

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1684 of 2016
IN
Civil Writ Jurisdiction Case No. 18711 of 2015**

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Ranjeet Kumar, son of late Sundeshwar Ray, Resident of Village- Sastaul, P.O.-
Bijhrouli, P.S. Tisiauta, Dist. Vaishali, at present posted as Darwan, Bihar State Bar
Council, Patna

.... Appellant/s

Versus

1. The Bihar State Bar Council through its Secretary, State Bar Council Bhawan,
Patna.
2. The Chairman, Bihar State Bar Council, Bar Council Bhawan, Patna
3. The Secretary, Bihar State Bar Council, Bar Council Bhawan, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dinu Kumar, Advocate
Mr. Arvind Kumar Sharma, Advocate
Mr. Deepak Kumar, Advocate
Mrs. Ritika Rani, Advocate
For the Respondent/s : Mr. Shantanu Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 11-04-2017

Seeking exception to an order dated 27.7.2016 passed
by the learned Writ Court in C.W.J.C. No.1871 of 2015, this appeal
has been filed under Clause 10 of the Letters Patent.

Petitioner is the son of late Sundeshwar Ray and after
death of his father he was working in the Bihar State Bar Council.



He submitted an application for grant of appointment on compassionate ground and in the matter of grant of compassionate appointment when certain dispute arose and when petitioner's representation was not considered, he approached this Court by filing the connected writ petition. Without entering into the controversy with regard to right for compassionate appointment or otherwise, the learned Writ Court found that at this stage, as the elected body of the State Bar Council has been superseded and an ad hoc body is managing the affairs of the Bar Council as a care taker awaiting a regular body to be constituted, no action can be taken in the writ petition and dismissed the petition on such consideration.

Our attention has been invited to Section 8A(2) of the Advocates Act, 1961 which contemplates a provision for constitution of a Special Committee in the absence of election to the Bar Council being held or an elected body of the Bar Council being functional. Accordingly, it was argued that during the period the Bar Council is under supersession, the Special Committee is still functional and learned Advocate General of the State is the *ex officio* Chairman of the Bar Council. Accordingly, it was agreed that the writ Court should not have dismissed the writ petition by observing that the petitioner may ventilate the grievance after regular election



to the Bar Council is held and regular Bar Council is functional, but should have directed the specified committee to take a decision.

We find much force in the submission of the learned Counsel, even during the period when the Bar Council has been superseded, by virtue of the provisions of Section 8A(2) of the Advocates Act, the Special Committee and various other committees are functional and all activities of the Council are managed by these committees, therefore, the writ Court should have disposed of the writ petition directing for consideration of petitioner's representation in accordance with law by the aforesaid Committee which was functional and should not have dismissed the writ petition by holding that the petitioner may take recourse to the remedy after the Bar Council is duly constituted.

Keeping in view the aforesaid, we allow this appeal, quash the order dated 27.7.2016 passed by the writ Court and dispose of the writ petition in the following manner:

On the petitioner filing a representation along with relevant documents, the Special Committee or the appropriate committee empowered to take action shall look into the grievance, of the petitioner and take a decision in accordance with law within a reasonable time, preferably within 60 days.



Needless to emphasize that we have not expressed any opinion on the merits of the claim of the petitioner. It is exclusively for the Bar Council or the concerned Committee to take a decision on the same.

Appeal allowed and disposed of.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

K.C.jha/-

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