

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (C) No.2710 of 2017

(Arising out of notification dated 21-9-2017 issued by respondent No.8)

Chhattisgarh High Court Practicing Bar Association, Through its Vice President, Rajesh Kumar Kesharwani, S/o Late G.L. Kesharwani, Aged about 52 years, R/o Advocate Chamber No. 117, High Court Campus, Bodari, Bilaspur (C.G.)

---- Petitioner

Versus

1. The State Bar Council of Chhattisgarh, Through Secretary, Extension Office, Collectorate Premises, Bilaspur (C.G.)
2. Lila Dhar Chandra, Administrator, High Court Bar Association, Bodari, Bilaspur, District Bilaspur (C.G.)
3. Awadh Tripathi, Member Administrator, High Court Bar Association, Bodari, Bilaspur, District Bilaspur (C.G.)
4. Avinash Kumar Mishra, Member, High Court Bar Association, Bodari, Bilaspur, District Bilaspur (C.G.)
5. Mahendra Dubey, Member Administrator, High Court Bar Association Bodari, Bilaspur, District Bilaspur (C.G.)
6. Sanjay Sharma, Observer, High Court Bar Association, Bodari, Bilaspur, District Bilaspur (C.G.)
7. Ravi Parashar, Observer, High Court Bar Association, Bodari, Bilaspur, District Bilaspur (C.G.)
8. Anand Mohan Tiwari, Chief Election Officer, Chhattisgarh High Court Bar Association, High Court Premises, Bodari, Bilaspur, District Bilaspur (C.G.)

---- Respondents

For Petitioner:	Dr. N.K. Shukla, Senior Advocate with Mr. Saleem Kazi, Advocate.
For Respondent No.1:	Mr. Prafull Bharat, Advocate.
For Respondent No.2:	Mr. Devershi Thakur, Advocate.
For Respondents No.3, 4 and 5: -	Mr. Kishore Bhaduri, Advocate.
For Respondents No.6 and 7: -	None present, as no notice has been issued.
For Respondent No.8:	Mr. Rahul Jha, Advocate with respondent No.8.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board05/10/2017

1. Dr. N.K. Shukla, learned Senior Advocate appearing for the petitioner, submits that 88 members of the petitioner Association are though voters in the voter list published, but notice has been served and they have been debarred from participating in the election. He further submits that they have been held to be debarred from participating in the election by clause 5 of the notification dated 21-9-2017.
2. Mr. Prafull Bharat and Mr. Rahul Jha, learned counsel appearing for respondents No.1 and 8, respectively, would submit that the objection raised by Mr. B. Nag and Mr. Rajendra Pandey to the above-stated members has been overruled by the Election Officer by order dated 26-9-2017 and the 88 voters listed in Annexure P-2 shall be allowed to vote. They would further submit that clause 5 of the notification dated 21-9-2017 regarding their ineligibility shall not be insisted upon as final voters list has already been published in which 88 members have been included who have been listed in Annexure P-2 and there should be no apprehension in the mind of the said voters, as they will be allowed to vote.
3. Since the State Bar Council and Election Officers themselves have made statement at the Bar that objection of Mr. B. Nag and Mr. Rajendra Pandey has been turned down and the said 88 Advocates are voters in the voter list published and they will be allowed to vote and no declaration of any kind will be sought as contained in clause 5 of the notification dated 21-9-2017, the

petitioner's grievance stands redressed and the writ petition itself stands finally disposed of in view of the aforesaid statement made by respondents No.1 and 8. No order as to costs.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma