

CWP-2671-2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-2671-2017.

Decided on: March 29, 2017.

Parneet Singh Bhangu

.. Petitioner(s)

VERSUS

Bar Council of Punjab and Haryana and others

.. Respondent(s)

*** * ***

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

*** * ***

**PRESENT Mr.A.D.S.Jattana, Advocate,
for the petitioner.**

**Mr.Sanjiv Manrai, Sr. Advocate, with
Mr.Abnash Singh, Advocate,
Mr.Gurinder Singh Bhandari, Advocate,
Mr.Lalit Sood, Advocate,
for respondent Bar Association, S.A.S. Nagar, Mohali.**

**Mr.A.S.Barnala, Advocate,
for respondent nos.2 to 6.**

M.M.S. BEDI, J. (ORAL)

The petitioner through the instant petition under Articles 226 and 227 of the Constitution of India has sought quashing of impugned order dated 2.2.2017, Annexure P23, passed by the Bar Council of Punjab and Haryana, deciding the representation of the petitioner dated 10.12.2016, for holding the election of the District Bar Association by following the rules.

A perusal of the impugned order dated 2.2.2017,

indicates that the irregularities, during election, pointed out by the petitioner have been taken into consideration by the Chairman of the Bar Council of Punjab and Haryana and the petitioner has been relegated to the remedy under 11 (d) of the Bar Associations (Constitution and Registrations) Rules, 2015, to file election petition.

Counsel for the petitioner has vehemently contended that since the elections have not been held by adopting the statutory provisions, the Bar Council had the jurisdiction being the supervisory authority to issue directions in context to its role provided in Rule 11 (a) of the Bar Associations (Constitution and Registrations) Rules, 2015, since the dispute pertaining to the voters list and certain irregularities had been brought to the notice of the Bar Council which it had to adjudicate as per the directions of this Court.

Counsel for the petitioner submits that no election has taken place as per the relevant rules, as such, he has a right to approach this Court for a direction to follow the statute and set aside any action taken on the basis of irregularities being without sanction of rules.

I have considered the contentions of the learned counsel for the petitioner. The scope of Rule 11 of the Bar Associations (Constitution and Registrations) Rules, 2015, is very wide as Rule 11 (c) enables any member to raise any dispute arising after the declaration of result which has to be submitted by way of an election petition to the Chairman of the Bar Council who shall constitute an Election Tribunal as per Rule 11 (d) of the Bar Associations (Constitution and Registrations) Rules, 2015.

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I am of the opinion that irregularities and illegalities of facts and law pointed out by the counsel for the petitioner can be challenged by filing an election petition under Rule 11 (c) and (d) of the Bar Associations (Constitution and Registrations) Rules, 2015.

Without expression of any opinion on merits, this petition is disposed of relegating the petitioner to avail the alternative remedy in accordance with law.

(M.M.S. BEDI)
JUDGE

March 29, 2017.
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Whether speaking / reasoned	Yes / No
Whether reportable:	Yes / No