

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.368 of 2015

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Amar Sinha son of Late Kameshwar Prasad Sinha aged about 63 years, the president of Bar Assication, Munger , Resident of Fort Area , P.S. Kotwali District- Munger.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary Law Department, Government of Bihar, Patna.
2. The Principal Secretary, Law Department, Government of Bihar, Patna.
3. The Chairman, Bihar State Bar Council, Patna
4. The Officiating Secretary, Bihar State Bar Council, Patna.
5. The Public Prosecutor-Cum-Observer, Election Session 2015-17 of Bar Association , Munger.
6. The Government Pleader-Cum-Observer, Election Session 2015-17 of Bar Association Munger.
7. The Returning Officer, Election Session 2015-17 of Bar Association Munger.
8. Mr. Yadunandan Jha, the Present of Meeting dated 20.12.2014, the Member of Bar Association, Munger

.... Respondents

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Appearance :

For the Petitioner	: Mr. Hars Vardhan Sahay, Advocate
For BSBC	: Mr. Shantanu Ranjan, Advocate
For the State	: Mr. Prabhat Ranjan, Advocate
For respondent no. 8	: Mr. Kumar Kamal Nayan, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 09-07-2018

Heard learned counsel for the petitioner, learned counsel

for the State and learned counsel for the Bihar State Bar Council.

2. The petitioner has prayed for two reliefs in the writ



petition. The first relief is for quashing the letter dated 21.12.2014/22.12.2014 whereby the officiating Secretary, Bihar State Bar Council, Patna has directed to stop the election process till the decision of the General Body of the District Bar Association, Munger to be held on 3rd January, 2015. The second relief is for a direction to respondent officiating Secretary, Bihar State Bar Council, Patna to conclude the election process of the District Bar Association, Munger by which nomination process was to be held on 22.12.2014 to 23.12.2014.

3. In course of argument, it was brought to the notice of this Court that the election process of the district bar associations in the State of Bihar has been stopped under the direction of Bar Council of India as some verification process of lawyers has been undertaken through out the country and till the completion of verification process, no election of any bar council is being held.

4. It has been submitted by the learned counsel for the Bihar State Bar Council that a direction in this regard has also been sought for from the Bar Council of India and till date, no such direction has been received.

5. The contention of the petitioner is that the State Bar Council may have jurisdiction to hold election or cancel election but it has no jurisdiction to stop the election process for an indefinite



period.

6. Be that as it may, having regard to the facts and circumstances of the case, I dispose of the writ petition on following terms :-

(a) The petitioner shall raise his grievance before the Chairman, Bihar State Bar Council by way of filing a detailed representation within two weeks from today.

(b) In case of filing of such representation, the Chairman, Bihar State Bar Council shall look into the grievances of the petitioner and pass a reasoned order on the same within a period of four weeks from the date of its filing.

(c) In case the petitioner is aggrieved by the decision of the Chairman, Bihar State Bar Council, he would be at liberty to challenge the decision in accordance with law.

(Ashwani Kumar Singh, J.)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.07.2018
Transmission Date	NA

