

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.5141 of 2018
and
WMP.No.6310 of 2018

R.Rashidhunnishaa

..Petitioner in person

-Vs-

1. Honourable Akbar Ali Rtd Justice
Returning Officer, High Court Campus,
Chennai-600 104.
2. Honourable T.Mathivanan Rtd. Justice,
Returning Officer, High Court Campus,
Chennai-600 104.
3. The Chairman,
The Bar Council of Tamil Nadu,
High Court Campus,
Chennai-600 104.
4. The Secretary of
The Bar Council of Tamil Nadu,
High Court Campus,
Chennai-600 104.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in R.O.C.No.516 of 2018 on 27.02.2018 passed by the respondents without any proper reason and quash the same and consequently direct the respondents to accept the nomination form which was filed before the respondents on 15.02.2018.

For Petitioner : Ms.Rashidhunnishaa
Petitioner-in-Person
For Respondents: Mr.J.Pothiraj
Standing Counsel

ORDER

[Order of the Court was made by C.T.SELVAM, J.]

Petitioner, who is a practicing Advocate, seeks a direction to quash the impugned order in R.O.C.No.516 of 2018 dated 27.02.2018 passed by the respondents.

2. By the impugned proceedings, the Returning Officers of the Election to Bar Council of Tamil Nadu and Puducherry to be held on 28.03.2018, have rejected the candidature of the petitioner informing that one of her proposers has not filed the certificate of practice issued by Bar Council of India. They have also found that such proposer viz., S.B.Fazuludeen, who has enrolled on 17.09.1962 in Enrollment No.Ms.680/1962 had not even taken steps for filing an application therefor. The respondents have also noted that in Form-A for nomination, the column relating to "number in the revised final list of voters" has been left blank by the petitioner. Respondents had also informed that the revised final list of voters have been verified by them and the name of petitioner's proposer viz., Mr.S.B.Fazuludeen has not been found. Respondents 1 and 2 have afforded the petitioner an opportunity of scrutiny of her application by communication dated 23.02.2018. Petitioner has appeared before them on 27.02.2018 and the defect noted was explained to her. Petitioner has informed respondents 1 and 2 that she was not aware that the name of the proposer viz., Mr.S.B.Fazuludeen does not find place in the revised voters list.

3. The contention of the petitioner that she be permitted to put up another proposer has not found acceptance on the reasoning that while seeking nomination, the requisite Form-A should be completed in all respects including disclosing eligible proposers. Thus, the nomination of the petitioner dated 15.02.2018 has been rejected. Petitioner, who appears in person, has informed us that the respondents 1 and 2 had placed reliance on order of Supreme Court in Transferred Case (Civil) No.126 of 2015 dated 23.08.2017 and by an order dated 24.11.2017, the Supreme Court had modified the order of 23.08.2017. Petitioner is unable to inform how such modification works to her benefit i.e., whether the need for proposal of a candidate by two enrolled Advocates, who produce the requisite Certificate of practice has been done away with. We would think that such requirement cannot be done away with. Petitioner further submits that the Rules have been framed in the year 1976 while the proposer concerned has enrolled in the year 1962. Such submission does not carry forward petitioner's cause in any manner. This writ petition shall stand dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

kmi

To:

1. Honourable Akbar Ali Rtd Justice
Returning Officer, High Court Campus,
Chennai-600 104.
2. Honourable T.Mathivanan Rtd. Justice,
Returning Officer, High Court Campus,
Chennai-600 104.
3. The Chairman,
The Bar Council of Tamil Nadu,
High Court Campus,
Chennai-600 104.
4. The Secretary,
The Bar Council of Tamil Nadu,
High Court Campus,
Chennai-600 104.

+ 2 ccs to M/s.Rashidhunnishaa, Advocate Sr.18376
+ 1 cc to M/s. J. Pothiraj, Advocate Sr.18375

RJI (CO)
EU(18/04/2018)

WP.No.5141 of 2018

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