



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 13.03.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE C.T.SELVAM
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
WP.No.5621/2018 & WMP.No.6944 & 6945/2018

Vasanthakumar Vengadessane

.. Petitioner

vs.

1.The Secretary
Bar Council of India
Rose Avenue, Institutional Area
New Delhi.

2.The Secretary
Bar Council of Tamil Nadu &
Puducherry, Madras High Court
Buildings, Chennai 600104.

3.The Chairman
Special Committee
Bar Council of Tamil Nadu &
Puducherry, Madras High Court
Buildings, Chennai 600104.

4.The Honourable Returning Officers
Bar Council of Tamil Nadu &
Puducherry, Madras High Court
Buildings, Chennai 600104.

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of certiorarified mandamus calling for the entire records relating to impugned bilingual notice dated 09.03.2018 and quash the same as unreasonable and consequently direct the 4th respondent to invite the profile of the prospective contestants to submit their respective profiles including the Standing at Bar, Area of Practice, Contribution to March of Law and Criminal Antecedents by filing an affidavit as has been practiced in the General Elections contemplated under the Rules and Regulations framed by the Election Commission of India, and upload the same in the official website of the Bar Council of Tamil Nadu and Puducherry, besides publishing a bulletin to be circulated among the voters enabling them enlightened about the candidates to be elected and such profiles



WEB COPY

be given wide publicity in English and Venacular dailies so as to reach the entire State of Tamil Nadu and Union Territory of Puducherry, in the light of the representation of the petitioner date 10.03.2018 and conduct the election in accordance with law.

For Petitioner : Mr.V.Vasanthakumar
Party-in-Person

For Respondents: Mr.J.Pothiraj for RR 2 to 4

ORDER

(Order of the Court was made by C.T.SELVAM, J.)

Writ petitioner who is an Advocate and informs of contesting ensuing elections of the Bar Council of the Tamil Nadu and Puducherry seeks the following relief:-

"Issuance of a Writ of certiorarified mandamus calling for the entire records relating to impugned bilingual notice dated 09.03.2018 and quash the same as unreasonable and consequently direct the 4th respondent to invite the profile of the prospective contestants to submit their respective profiles including the Standing at Bar, Area of Practice, Contribution to March of Law and Criminal Antecedents by filing an affidavit as has been practiced in the General Elections contemplated under the Rules and Regulations framed by the Election Commission of India, and upload the same in the official website of the Bar Council of Tamil Nadu and Puducherry, besides publishing a bulletin to be circulated among the voters enabling them enlightened about the candidates to be elected and such profiles be given wide publicity in English and Venacular dailies so as to reach the entire State of Tamil Nadu and Union Territory of Puducherry, in the light of the representation of the petitioner date 10.03.2018 and conduct the election in accordance with law."

2 The petitioner, party-in-person, submitted that the Notice impugned, dated 09.03.2018 reads thus:-

"It is brought to out notice that some of the candidates are distributing pamphlets, wherein various promises are made, which are in total negation of Rule 37[2] of the Election Rules of the Bar Council of Tamil Nadu and Puducherry.



Such Practice of distributing pamphlets by the candidates are prohibited."

Petitioner submits that the same is objectionable and that the right of petitioner and similarly placed to canvas the merits of their candidature and inform their capacities / intentions as also that of voters to consider the same while going about the right of exercising their franchise, is affected. Regards the notice dealing with particulars of criminal antecedents, petitioner submitted that as required in Rule 4[A] of the Right to Representation of People's Act, candidates must be required to inform in affidavit form their criminal antecedents, if any.

3 None of the submissions of petitioner are worthy of acceptance. The voters at elections to the Bar Council of the Tamil Nadu and Puducherry, are Advocates, i.e., a literate and informed class. The purpose of conducting elections is that persons of known integrity and persons whose service towards the cause of Advocates have been recognized, are elected to the Governing Body. As an informed literate class the voter Advocates, would well be aware of those, whom in their opinion, would best serve their interests. Rule 37[2] of the Election Rules of the Bar Council of Tamil Nadu and Puducherry Elections, which is objected to serves a laudable purpose of avoiding undue influence on the voter. A purpose similar to that sought to be achieved by Rule 4[A] of the Right to Representation of People's Act, already finds place in the Notice dated 26.02.2018 which flows from an order of the Apex Court in SLP [C] Diary No.6832/2018 dated 21.02.2018.

4 On the above considerations, this Court finds no merit whatsoever in the writ petition. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

AP
To
1.The Secretary
Bar Council of India
Rose Avenue, Institutional Area
New Delhi.



WEB COPY

2.The Secretary
Bar Council of Tamil Nadu &
Puducherry, Madras High Court
Buildings, Chennai 600104.

3.The Chairman
Special Committee
Bar Council of Tamil Nadu &
Puducherry, Madras High Court
Buildings, Chennai 600104.

4.The Honourable Returning Officers
Bar Council of Tamil Nadu &
Puducherry, Madras High Court
Buildings, Chennai 600104

+1 cc to M/s.S.R.Raghunathan Advocate sr 18773

WP.No.5621/2018

sj(co)
aa17/04/2018