

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.18911 of 2018

ORDER:

Heard Sri S.Satyam Reddy, learned Senior Counsel appearing on behalf of Smt.K.V.Rajasree, learned counsel for the petitioner, Smt.S.Nanda, learned Standing Counsel for Bar Council of India, Sri G.M.Moinuddin, learned Standing Counsel for the Bar Council of the State of Telangana, and the learned Government Pleader for Law & Legislature apart from perusing the material available before this Court.

Petitioner herein is a practising Advocate and a candidate, contesting in the ensuing Telangana Bar Council elections scheduled to be held on 29.06.2018. After receipt of nominations from the candidates, in response to the election notification, the State Bar Council published a list of contesting candidates and showed the name of the petitioner, at S.No.7, as 'Adhi Venkateshwar Rao' and, in the final list published thereafter, the name of the petitioner is shown as 'Venkateshwar Rao Adhi' at S.No.77.

The grievance of the petitioner, in the present Writ Petition, is that the said action, on the part of the State Bar Council, in showing the surname of the petitioner at the end, would affect his prospect in the elections.

Learned Senior Counsel contended that, in the final list also, the Bar Council should have shown the name of the petitioner herein as 'Adhi Venkateshwar Rao' as mentioned in the Bar Council certificate and Identity Card, issued by the Bar Council, List of valid nominations and the list of contesting candidates published by the third respondent, wherein the name of the petitioner is shown at S.No.7. It is further contended by the learned Senior Counsel that the impugned action is also not in conformity with the instructions of the Bar Council of India, issued vide proceedings in BCI:D:888/2018(Council), dated 22.02.2018. It is further contended by the learned Senior Counsel that the petitioner herein is popularly known as 'Adhi Venkateshwar Rao' only but not as 'Venkateshwar Rao Adhi' as mentioned in the final list published by the State Bar Council and the impugned action badly affects his chances in the election. It is further contended by the learned Senior Counsel that, as per Rule 11 (e) (iii) of the Bar Council of A.P. Rules (for brevity, 'the Rules') the name should be mentioned as indicated in the rolls only.

On the contrary, it is submitted by the learned Standing Counsel for the Bar Council of India and the State Bar Council that there is no illegality nor there exists any infirmity in the impugned action and, in the absence of the same, the

impugned action is not amenable for any judicial review under Article 226 of the Constitution of India. It is also the submission of the learned Advocates, appearing for the respondents that, since the process of election has already started, there cannot be any indulgence of this Court, under Article 226 of the Constitution of India and, in the event of there being any intervention, the same will upset the entire programme undertaken by the Bar Council for holding the elections. It is also the submission of the learned Advocates that the contention of the learned Senior Counsel, appearing for the petitioner, cannot be sustained in view of the definition of “Ballot Paper” as defined under Rule 3 (m) of the Rules.

Admittedly, ‘Adhi’ is the surname of the petitioner herein and it is not in dispute that the surnames of all the candidates in the final list are shown at the end of their respective names. In the considered opinion of this Court there is no change of the name as submitted by the learned Senior Counsel except indicating the surname at the end of the name of the individual. Therefore, the contention of the learned Senior Counsel that the impugned action is contrary to Rule 11 (e) (iii) of the Rules cannot be sustained in the eye of law. In this context, it may be appropriate to refer to Rule 3 (m) of the Rules, which reads as under:

“Ballot Paper” means a voting paper prescribed in form 2 (A) bearing the facsimile, initial or signature of the Secretary showing the date of election and the number of members to be elected and shall contain the names in alphabetical order of all the candidates who are validly nominated and who have not withdrawn”.

It is very much clear from the above provision of law that the ballot paper is required to contain the names of the contesting candidates in alphabetical order. It is not the case of the petitioner herein that the surnames of other individuals in the final list are shown at the beginning.

In the considered opinion of this Court the instructions of the Bar Council of India, issued vide proceedings No.BCI:D:888/2018(Council), dated 22.02.2018, would not come to the rescue of the petitioner herein in the absence of any change of the name of the petitioner herein. It is also the submission of the learned Standing Counsel for the third respondent that the process, as contemplated under Rule 10 of the said Rules, is also over and no interference of this Court, at this stage, is warranted. This Court finds sufficient force in the submission of the learned Standing Counsel. In view of the above, this Court does not find any illegality nor any discrimination in the questioned action.

For the aforesaid reasons, the Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ
Petition shall stand closed.

A.V.SESHA SAI,J

08th June, 2018
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