

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,

BENCH AT AURANGABAD

3. WRIT PETITION NO. 11551 OF 2016

Shri Ratilal S/o Bhagwandas Bhandari,
age 62 years occupation Legal Practitioner
R/o 'Sona-Sadan', Laxmibag Colony,
behind Nilkamal Hotel, Nagar road,
Beed Tal. & Dist. Beed

...PETITIONER

VERSUS

1. The State of Maharashtra
Through its Secretary,
Law & Judiciary Department,
Mantralaya, Mumbai - 32
2. Bar Council of Maharashtra & Goa
through its Secretary,
High Court Building, Mumbai
3. Beed Bar Association, District Beed,
through its Secretary, Beed District Beed. ...RESPONDENTS

Mr. V.D. Sapkal, Advocate for petitioner

Mr. S.G. Sangle, Asstt. Govt. pleader for respondents No.1

Mr. Sachin Deshmukh, Advocate for Respt. No. 2.

Mr.R.C.Bramhankar,Adv.,h/f. Mr. N.L. Jadhav, Adv.for Respt.No.3

CORAM : PRASANNA B. VARALE

AND

AVINASH G. GHAROTE, JJ.

DATE : 23rd September, 2019

ORAL ORDER:

1. Heard learned Counsel Mr. Sapkal, appearing for the petitioner. The principal prayer in the petition is Prayer Clause (B) and the same reads thus:

*" (B) To issue directions to Bar Council of Maharashtra and Goa to introduce rule/principle **"One Advocate One Vote in One Bar"** in the State of Maharashtra by issuing appropriate writ, order or direction in the nature of writ or as the case may be. "*

2. Now, this issue was the subject matter in Writ Petition No. 13171/2018 before the Principal Seat of this Court. The Division Bench in its detailed judgment referred to the submissions of the learned Counsel appearing for the petitioners as well as the learned Counsel appearing for the Bar Council of Maharashtra and Goa and then a resolution passed by the Bar Council of India is referred to in paragraph No. 17 of the order and the same reads thus:

*" The Bar Council of India has already passed a resolution dated 21/09/2015 which reads thus:
" The Council has discussed and deliberated on the issue of one bar one vote once again. The matter is sub-judice before the Hon'ble Delhi High Court on the basis of law laid down by Hon'ble apex Court in the case of SCBA Vs. B. D. Kaushik, the Bar Council of India also approves the rule of one Bar one Vote as it will be good for the health of the institution and the associations. Let a copy of this resolution be issued to all the Bar Associations of the country without delay."*

3. Then, in turn, the communication issued by the Bar Council of Maharashtra & Goa, dated 13th October, 2015 to all the Taluka and District Bar Associations is referred and the same reads thus:

" In pursuance to the subject noted above, it is informd to all Bar Associations that Hon'ble Supreme Court in Civil Appeal No. 3401/2003 between Supreme Court Bar Association Vs. A.K. Manchandra has considered the place of voting of Advocate in particular Bar Association. In the said matter, at the time of preparation of list of Bar Association, each member shall give a written intimation to the Bar Association whether he is a member of another Bar Association. It shall be mandatory that a member whose name is included in the said list, to give permanent declaration that he would vote only in a particular bar and would not vote in any of the election of any Court or Tribunal and vice versa. The copy of this declaration shall be displayed on the Notice Board. It is further considered that once such declaration has been given, it will be valid till it is revoked.

The said subject has been considered by the Bar Council of India and has resolved vide its resolution No. 169/2015 thereby approves the rule of "one Bar one Vote" as it will be good for the health of institution and the association. It was further resolved to issue copy of this

resolution to all Bar Associations in the Country for its compliance and for doing the needful."

4. The Division Bench then in view of the Apex Court judgment in the matter of ***Supreme Court Bar Association and Ors. Vs. B.D. Kaushik and Ors. [(2011) 13 Supreme Court Cases 774]*** was pleased to issue certain directions in paragraph No. 22 of the judgment and order. These directions read, thus:

"22. In view of the above discussion, we issue the following directions :

(i) The elections of the Respondent No.1 shall be held according to the principle of 'One Bar, One Vote'.

(ii) A member desirous of casting his vote in the elections of the Respondent No.1, shall be required to furnish declaration that he will cast vote only in the elections of the Respondent No.1 and such declaration shall be in effect for a period of two years. Such a member shall not cast his vote in any other election of any other Bar Association during the period for which such declaration is valid.

(iii) The election programme which is already declared for the Respondent No.1, is set aside. The elections shall be held as expeditiously as possible after complying with the above directions.

(iv) The Rule is made absolute in the aforesaid

terms.

(v) Civil Application No.2512 of 2018 for amendment is allowed. Applicants are permitted to add Respondent Nos.5 and 6 in the Petition as per prayer clause (b) made in the said Application. Necessary amendment be carried out forthwith. We have heard respective Counsel for Respondent Nos.5 and 6.

(vi) Other Civil Applications are disposed of in view of discussion supra.”

5. As the issue raised in the petition is now squarely covered by the judgment of this Court at its Principal Seat and the directions issued by the Division Bench redresses the grievance raised in this petition, there is no reason to take a different view than the view adopted and expressed in the Judgment and Order dated December 6, 2018. The petition is disposed of accordingly in light of the directions as contained in the judgment in Writ Petition No. 13171 of 2018, referred to above.

(AVINASH G. GHAROTE, J.) (PRASANNA B. VARALE, J.)