

HIGH COURT FOR THE STATE OF TELANGANA

**THE HONOURABLE THE ACTING CHIEF JUSTICE RAGHVENDRA
SINGH CHAUHAN**

AND

THE HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

I.A.No.01 OF 2019
IN/AND
WRIT APPEAL No.301 OF 2019

Date: 17.04.2019

Between:

Bakkaiah Balagoni

...Appellant/Third party

and

Ponnam Ashok Goud
and 3 others

...Respondents

Counsel for the appellant : Mr.G.Praveen Kumar

Counsel for the respondent No.1: Mr.T.Surya Satish

Counsel for the respondent Nos.2 & 3: Mr.S.Nanda

Counsel for the respondent No.4: Mr.C.Damodar Reddy

The Court made the following:

**THE HONOURABLE THE ACTING CHIEF JUSTICE RAGHVENDRA
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COMMON JUDGMENT: *(Per the Hon'ble the Acting Chief Justice Raghvendra Singh Chauhan)*

The appellant, who happens to be a third party to the *lis*, has filed this I.A.No.1 of 2019 for seeking the leave of this Court to file the present appeal against the order dated 20.03.2019 passed by a learned Single Judge in I.A.No.1 of 2019 in W.P.No.4024 of 2019, whereby the learned Single Judge had directed the Bar Council of Telangana to cross-check the details of the Advocates, who have given the declaration with respect to the intention to cast their vote for a particular Bar Association; after cross-checking and confirming the names of those Advocates, who have not submitted Form A (Col-2) and those Advocates, who have, indeed, submitted Form A (Col-2), the Bar Council was directed to eliminate the names of those Advocates, who have failed to give a declaration in regard to their preference for voting for a particular Bar Association.

A bare perusal of the application filed by the appellant, Bakkaiah Balagoni, clearly reveals that he has not mentioned the reasons as to how he is aggrieved by the impugned order passed by the learned Single Judge. In his application, the appellant has merely mentioned that he is a practicing Advocate, enrolled with the Bar Council of Telangana and the Telangana High Court Advocates' Association ('the Bar Association', for short). Since the application is bereft of the necessary details as to how the impugned order

adversely affect the interest of the appellant, the leave cannot be granted by this Court to the appellant to challenge the said order.

Even otherwise, on merits, the appellant seems to have an extremely weak case.

The learned counsel for the appellant argued, with all the vehemence at his command, that although the appellant had given his preference of vote to the Bar Association, since he is practicing with the Bar Association, he should be permitted to vote in the upcoming election of the Bar Association. However, in the list prepared by the Bar Council of Telangana, his name is conspicuously missing. Therefore, he is denied the right to vote in the Bar Association at the place of his practice. Hence, according to him, the directions issued by the learned Single Judge deserve to be interfered with; instead, this Court should direct the Bar Council of Telangana to permit the appellant to vote for the Bar Association in the upcoming election.

However, Mr.C.Damodar Reddy, the learned counsel for the Telangana High Court Advocates' Association, informs this Court that the right to vote in a particular Bar Association is covered by the Model Byelaws promulgated by the Bar Council of the State of Andhra Pradesh. According to the Byelaws, every Advocate has a right to vote, but the right to vote is limited to one Bar Association. In order to specify the Bar Association where an Advocate would like to vote, he must inform both the Bar Association of the said Court, and the Bar Council of Telangana. In the present case, according to the learned counsel, although the appellant had informed the Bar Association about his preference to vote with the Bar Association, he

had failed to furnish the requisite information to the Bar Council. Therefore, when the cross-checking was done by the Bar Council, there was no preference given by him that he would like to vote for the Bar Association. Hence, the Bar Council of Telangana was fully justified in not including the appellant's name in the voters' list prepared by it. Hence, the learned counsel has defended the action of the Bar Council in drawing up the voters' list.

Heard the learned counsel for the parties.

It is, indeed, trite to state that once a procedure has been established by law, no deviation is permitted from the said procedure. In fact, the procedure has to be adhered to both in letter and in spirit.

Byelaws 1(c) (v) and 1(c) (vi) are as under:

1(c) (v):

An advocate can be a member of more than one Bar Association, however, he/she is entitled to exercise his/her right to vote only in one Bar Association. Every such Advocate shall inform his/her choice of exercise of voting right to the concerned Bar Association to which he/she opts to vote as well as to the Bar Council of A.P.

A member is entitled to contest for any post only in the Bar Association in which he has voting right.

1(c) (vi):

For any reason if any such member intends to change his option he/she shall inform the same in aforesaid manner to the Bar Association in which he/she exercises his/her voting right and also to the Association previously where he/she exercised the voting right and also to the Bar Council of A.P.

The Advocate who is a member of more than one Bar Association shall exercise his option of exercising the voting right six months prior to the date of issuance of election

notification by the concerned Bar Association as per the common Bye-laws.

In default of which, the member shall not have right to vote in any of the Associations, of which he/she is a member, till he/she exercises such option.

Notwithstanding anything contained in these Bye Laws if any member exercises his/her voting right in more than one Bar Association in the same year, it will be treated as other misconduct.

According to the said provisions, although an Advocate can be a member of more than one Bar Association, he or she is entitled to exercise his or her right to vote only in one Bar Association. Moreover, an Advocate is required to inform his choice of exercising voting right to the concerned Bar Association, and to the Bar Council.

Furthermore, according to Byelaw 1(c) (vi), in case, an Advocate were to change his option, again the Advocate is required to inform the concerned Bar Association where he would like to be given the right to vote, and to inform the Bar Council.

Further, admittedly, in the present case, the appellant has failed to inform the Bar Council with regard to his place of preference for voting. Therefore, during the cross-checking by the Bar Council, the Bar Council could not find the preference given by the appellant for wanting to vote with the Bar Association. Hence, the Bar Council was legally justified in not including his name in the voters' list of Bar Association. Therefore, the action of the Bar Council cannot be faulted, as it is in compliance of the Byelaw 1(c) (v) of the Byelaws.

For the reasons stated above, this Court does not find either any merit for granting the relief or any merit in the writ petition.

Therefore, both writ petition and the IA are hereby dismissed. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

(RAGHVENDRA SINGH CHAUHAN, ACJ)

(A.RAJASHEKER REDDY, J)

17th April, 2019

Lrkm

