

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 1525 of 2020

Uttam Pandey Son of Late B.P. Pandey Aged About 64 Years, Advocate,
High Court of Chhattisgarh, Bilaspur, District Bilaspur Chhattisgarh.

---Petitioner(s)

Versus

- 1.** Shri C.K.Kesharwani Advocate, President, Chhattisgarh High Court Bar Association, Bilaspur, District Bilaspur Chhattisgarh.
- 2.** Chief Election Officer, Chhattisgarh High Court Bar Association (Election Year 2019-2020) Office of Chhattisgarh High Court Bar Association, Bilaspur Chhattisgarh.
- 3.** Dr. Shailesh Ahuja Presidential Candidate, Chhattisgarh High Court, Bar Association (Election Year 2019-2020), Chhattisgarh High Court, Bilaspur Chhattisgarh.
- 4.** Ku. Nirupama Bajpai Presidential Candidate, Chhattisgarh High Court, Bar Association (Election Year 2019-2020), Chhattisgarh High Court, Bilaspur Chhattisgarh.
- 5.** Shri Ramakant Pandey Presidential Candidate, Chhattisgarh High Court, Bar Association (Election Year 2019-2020), Chhattisgarh High Court, Bilaspur Chhattisgarh.
- 6.** Shri Amit Verma Secretary, State Bar Counsel Chhattisgarh, Bilaspur Chhattisgarh.
- 7.** Shri Prabhakar Singh Chandel Chairman, State Bar Counsel Chhattisgarh, Bilaspur Chhattisgarh.
- 8.** Shri Ravindra Parasar State Bar Counsel Chhattisgarh, Bilaspur Chhattisgarh.
- 9.** Shri Praveen Gupta Member, State Bar Counsel Chhattisgarh, Bilaspur Chhattisgarh.
- 10.** C.P. Jangade Member, State Bar Counsel Chhattisgarh, Bilaspur Chhattisgarh.

---Respondents

For Petitioner	:	Shri R.K. Kesharwani, Advocate.
For Respondent 1	:	Shri C.K. Kesharwani, appears in person.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

15.07.2020

1. Heard on Admission.
2. The present writ petition has been filed primarily challenging the impugned interim order dated 01.07.2020 (Annexure P/1) passed by the appellate committee constituted by the Chhattisgarh State Bar Council in respect of an election dispute so far as the election to the post of President of the Chhattisgarh High Court Bar Association for the year 2019-2021.
3. The grievance of the petitioner is that, the election which was conducted for the Chhattisgarh High Court Bar Association for the year 2019-2021 on 15.10.2019 wherein the respondent No.1 was declared elected for the post of President of the Chhattisgarh High Court Bar Association. The said election of the respondent No.1 was subjected to challenge by the petitioner herein, before the appellate committee constituted by the Chhattisgarh State Bar Council for the elections conducted for the year, 2019-2021. The committee gave its verdict on 05.06.2020 against respondent No.1 declaring his election as a president as illegal and has therefore set aside the election of the respondent No.1 and have ordered for conducting of fresh election only for the post of President.
4. The respondent No.1, in turn, questioned the order dated 05.06.2020 passed by the appellate committee before the State Bar Council which in turn had constituted the second appellate committee. The second appellate committee constituted by the State Bar Council took up the matter for hearing on 01.07.2020 and have stayed the election of the respondent No.1 till the appeal is finally decided by the committee. It is this order which is under challenge in the present writ petition.

5. The ground of challenge primarily is that on 01.07.2020 when the appellate committee was holding its first meeting there were only two members of the committee present. The third member i.e. the respondent No. 9 in the present writ petition was not present, yet when the order has been passed it bears the signature of the respondent No.9, the third member of the committee. The second ground of challenge by the petitioner is that the committee committed an error in firstly granting an interim protection till the records of the first appellate committee was called for. At the same time, the committee also gave a finding that the interim order shall operate till the appeal is finally decided. It was also the contention of the petitioner that before the first appellate committee, the respondent No.1, inspite of notice did not appear thereby the committee had to proceed ex-parte against him and therefore the said respondent No.1 could not have raised any objection before the second appellate committee.
6. So far as the High Court is concerned, this court is of the firm view that the matter once when it is seized by the committee constituted by the State Bar Council and the committee being in the midst of hearing the appeal on merits, it would not be proper for the High Court at this juncture to exercise its extraordinary writ jurisdiction and subject the proceedings of the appellate committee to judicial review. Moreover the impugned order is only an interim order which has been passed by the appellate body, the petitioner can approach the body with an application for vacation of the stay.
7. The reluctance of this High Court at this stage in interfering with the impugned order would not preclude the petitioner from raising these grounds in an appropriate proceedings after the appellate committee

passes a final order. This court would refrain itself from entering into the merits of this court at this juncture for the reason that any observations made by this court at this juncture may have an adverse reflection to the proceedings being conducted by the appellate committee constituted by the State Bar Council.

8. The writ petition accordingly stands disposed of at this juncture reserving the right of the petitioner to raise these grounds, if required, at a later stage.
9. Considering the factual aspects of the case, it is expected that the appellate forum shall decide the appeal at the earliest.

Sd/-
(P. Sam Koshy)
Judge

inder