

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10896 of 2015

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Binay Kumar Singh son of Late Shivji Prasad Singh, resident of Ward No.7,
Nagar Parishad, P.O.P.S.District- Supaul.

... .. Petitioner/s

Versus

1. The Bihar Bar Council Of India
2. The Secretary, Bihar Bar Council of India, 21 Rouse Avenue, Institutional Area, New Delhi.
3. The Bihar State Bar Council, East of Patna High Court through its Chairman, East of High Court, P.S
4. The Secretary, Bihar State Bar Council, East of Patna High Court, P.S.- Kotwali, Patna-1.
5. Mr. Raj Kumar Singh, Advocate S/o Late Shivji Singh, resident of Ward No. 7 Nagar Parishad, P.O. P.S. District- Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Pandey, Adv.
For the Respondent/s	:	Mr. Gyan Prakash Ojha, Adv.
For the Bihar State Bar Council	:	Mr. Shantanu Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 13-12-2022

1. Heard the parties.

2. The writ petition has been preferred by one Binay Kumar Singh, praying for canceling of the enrollment of one Raj Kumar Singh, Advocate from the Bihar State Bar Council.

3. It is submitted that he had filed a complaint to the Bihar State Bar Council against the concerned Raj Kumar Singh, respondent alleging him to have obtained enrollment fraudulently. Although, he was an accused in a Criminal Case registered against him under Sections 379/144 of the I.P.C.,



under Sections 465, 379, 352, 341, 504/34 of the I.P.C. and also under Sections 307, 325, 323, 341, 452, 504/34 of the I.P.C. It is alleged that Bihar State Bar Council did not dispose of the disciplinary proceeding within the statutory period of one year. At the same time he did not referred the matter to the Bar Council of India. As per Section 36 (b) of the Advocates Act, the disciplinary proceedings were required to be disposed of within one month and if not considered to be referred to the Bar Council of India.

4. The petitioner has mentioned of as many as 10 cases are registered under various sections of the I.P.C. and Arms Act against Raj Kumar Singh. The matters relating to the Sanad/Licence of an Advocate are governed by the provisions of Bar Council Act. If disciplinary proceedings are initiated and not concluded within the statutory period of one year, State Bar Council is bound to refer the proceedings for conclusion and disposal to the Bar Council of India. If the State Bar Council decides any proceedings, then appeal lies before the Bar Council of India.

5. In the aforesaid circumstances, therefore, writ petition would not be maintainable for the said purpose and the appropriate remedy available to the complainant is to approach



the Bar Council of India to suo motu take over the proceedings which were pending before the State Bar Council and take action accordingly.

6. The delay of seven years on account of pendency of this writ petition would not come in the way of the petitioner to approach the Bar Council of India for redressal of his grievances.

7. If such an appeal is preferred before the Bar Council of India, it is expected that the same shall be decided expeditiously preferably within a period of six months after giving due opportunity of hearing to the other side.

8. The writ petition stands disposed of accordingly.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

Item No. 45

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