

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13317 of 2023

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Purushotam Kumar Dubey S/o Sri Radhakant Dubey R/o Village-Chilbilia,
P.O.-lahari Tiwaridih, P.S.-Piro, District-Bhojpur at Present Member bar
Association, Piro Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Law Department Govt. of Bihar, Patna.
2. The Chairman Biah State Bar Council Bihar Bar Coundil Bhawan High Court Campus, Patna.
3. The Secretary, Bihar State Bar Council, Bihar Bar Coundil Bhawan High Court Campus, Patna.
4. Bar Association Sub-Divisional Civil Court, Piro Bhojpur through its Chairman.
5. The President Bar Association Sub-Divisional Civil Court, Piro Bhojpur.
6. The Secreary Bar Association Sub-Divisional Civil Court, Piro Bhojpur.
7. Returning Officer bar Association Election 2023-25, Sub-Divisional Civil Court, Piro, Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Maya Shankar Mishra, Advocate.
For the BSBC	:	Mr. Shantanu Kumar, Advocate.
For the State	:	Mr. S.K. Mandal, SC-3.
		Mr. Bipin Kumar, AC to SC-3.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 18-09-2023

Heard Mr. Maya Shankar Mishra, learned counsel for the petitioner and Mr. Shantanu Kumar, learned counsel for the respondent Biah State Bar Council and Mr. Bipin Kumar, AC to SC-3, learned counsel for the State.

2. The petitioner who is a practicing advocate and the member of Bar Association Piro Sub-Division, Civil Court, Piro Bhojpur, was a candidate for the post of General Secretary of Bar Association, preferred the present writ application



seeking quashing of the voter list dated 31.08.2023, which was published for holding Bar Association Election, 2023-2025.

3. The grievance of the petitioner is confined only to the extent that despite objection being filed against the provisional voter list of the Bar Association, Piro, the same was not disposed of and the final voter list has been published by including the name of total 77 voters, out of which some of the persons were not even eligible as a voter. He further submits that earlier also similar irregularity was committed in preparation of the voter list and when the objection was raised the election was withheld and thereafter a fresh election was conducted on 16.09.2023. He next submits that the none consideration of the objection with regard to the voter list vitiated the entire election to be not fair and as such prayer has been made for cancellation of the election.

4. Mr. Shantanu, learned counsel for the Bihar State Bar Council, while drawing the attention of this Court to Uniform Rules For Bar/Advocates'/Lawyers' Association of Bihar, especially Rule 19 thereof submits that once the election has already been conducted the only recourse available to the petitioner is the election dispute raised before the Bar Council. He further submits that admittedly the petitioner being



aggrieved by the final voter list dated 31.08.2023 has preferred the present writ application but from the materials available on record, *prima facie*, it suggests that after publication of the final voter list, he has never filed any application either before the Three Men Committee under rule 19 (vii) of the Uniform Rules For Bar/Advocates’/Lawyers’ Association of Bihar or before the Executive Committee of the Bihar State Bar Council, under rule 32-A, as there is no material suggesting that the petitioner has raised any grievance before the Competent Authorities prescribed under the Rule before filing the present application.

5. In view the aforesaid facts, especially the election having been conducted, no case is made out for any interference. Thus, the present writ petition stands disposed of with liberty to the petitioner to raise his grievance by raising an election dispute before the Bihar State Bar Council within the stipulated period, in accordance with law.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.09.2023.
Transmission Date	NA

