

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.27299 of 2023(O&M)

Date of Decision: 11.12.2023

Anil Sharma

.....Petitioner

Vs

Bar Council of India and others

.....Respondents

CORAM: *HON'BLE MR. JUSTICE G.S. SANDHAWALIA*
HON'BLE MS. JUSTICE LAPITA BANERJI

Present: Mr. HPS Ishar, Advocate for the petitioner.

Mr. Sudhir Aggarwal, Advocate and
Mr. Ishar Aggarwal, Advocate
for respondent No.1.

Mr. C.M. Munjal, Advocate and
Ms. Seema, Advocate
for respondent No.2.

Mr. Dinesh Arora, Advocate,
Mr. Nikhil Vats, Advocate and
Mr. Parshant Deswal, Advocate
for respondent No.3.

Mr. Amit Jhanji, Sr. Advocate with
Mr. Y.S. Chauhan, Advocate
for respondents No.4 to 7.

Mr. Karan Singh Narang, Advocate
for respondent No.8.

Mr. Sharan Sethi, Addl., A.G., Haryana.

G.S.SANDHAWALIA, J.(Oral)

[1]. Prayer in this writ petition is for issuance of writ especially in the

nature of certiorari for setting aside the voter list (Annexure P-10) of the Bar Association, Rohtak. Further prayer is made for issuance of directions to the respondents to hold the elections through Electronic Voting Machines. On 05.12.2023, the following order was passed:-

“Inter alia contends that the election to the respondent No.3-Bar Association is to take place on 15.12.2023. The petitioner is contesting for the post of President. The necessary representations have been moved (Annexures P-8, P-9, P-15 & P-16) bringing to the notice of the respondents that persons having more than one vote at different places have been identified. Reference is made to Annexure P-4 to submit that at Rohtak, there are 149 people identified. It is submitted that the necessary averments have been made in para No.17 of the writ petition and even in the representation dated 01.12.2023 (Annexure P-16) mention has been made regarding the specific instances but no action has been taken.

Notice of motion.

Mr.Sudhir Aggarwal, Advocate and Mr.Sharan Sethi, Addl.A.G., Haryana accept notice on behalf of respondents No.1 & 9 respectively.

To come up for service of respondents No.2 to 8 by way of dasti process for 08.12.2023.

In the meantime, it is open to respondent No.2 to take appropriate action on the said representation dated 01.12.2023 (Annexure P-16) keeping in view of the specific argument raised.”

[2]. Short affidavit of Ram Narain Saini, Returning Officer has been filed in pursuance of order passed on 05.12.2023. Perusal of affidavit would go on to show that in the objection list, out of 158 members, 42 members have not shown their interest in casting vote at Rohtak and their names have

been deleted from the voter list. Necessary list has already been sent to the Bar Council of Punjab and Haryana. 79 other members, who were enrolled with other Bar Councils have also been struck off from the voter list and necessary action has been taken. 16 members including some senior members, who did not file necessary affidavits have also been deleted from the voter list. List of 43 members who had cleared their subscription in time but their names were missed in the voter list along with list of 7 members, whose names were missed due to clerical error, was also sent to Bar Council for approval. Necessary lists have been appended along with the affidavit.

[3]. It is however pointed out by counsel for the petitioner that from serial Nos.3333 to 3346 (Annexure P-10) the members were enrolled after cut off date on 31.10.2023.

[4]. Learned Senior Counsel for respondents No.4 to 7 submits that the eligibility of candidates at aforesaid serial numbers will also be examined and necessary action will be taken.

[5]. In respect of last prayer of Electronic Voting Machines (EVMs), learned State counsel submits that if necessary request is made to the Chief Electoral Office through Deputy Commissioner, then the competent authority would examine the feasibility of providing the EVMs.

[6]. Keeping in view the election to be held on 15.12.2023, we direct respondents No.3 and 5 to make necessary request to Chief Electoral Office through respondent No.9-Deputy Commissioner, Rohtak for providing EVMs at least for the posts of Officer Bearer to ensure that the sanctity of Election is maintained.

[7]. This writ petition is accordingly disposed of in view of fact that the respondents have taken redressal steps and have ensured this Court that they will stand by their undertaking.

(G.S. SANDHAWALIA)
JUDGE

(LAPITA BANERJI)
JUDGE

11.12.2023

Prince

Whether speaking/reasoned Yes/No

Whether reportable Yes/No