

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4666 of 2024

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Ratan Kumar Singh S/o Late Bachchoo Lal, R/o- Mohalla- Nadraganj, River side Road, P.S.- Civil Lines, Dist.- Gaya.

... .. Petitioner/s

Versus

1. The Chairman, Bihar State Election Commission P.S.- Kotwali, Sone Bhawan, Patna-1.
2. The Chairman, Bar Council of India, 21, Rouse Avenue Institutional Area, New Delhi- 110002.
3. The Bihar State Bar Council, through its Chairman, Bar Council Bhawan, P.S.- Kotwali, Patna-1.
4. The Returning Officer, the Bihar State Bar Council Election- 2023, B.S.B. Council Bhawan, P.S.- Kotwali, Patna-1.
5. The Chief Observer, Bihar State Bar Council Election- 2023, Bihar State Bar Council Bhawan, P.S.- Kotwali, Patna-1.
6. All the Members of Bihar State Bar Council, B.S.B. Council Building, P.S.- Kotwali, Dist.- Patna-1.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Arun Kumar No. 1, Advocates Mr.Ram Jiban Pd. Singh, Advocates Mr.Pawan Kumar Singh, Advocates Ms.Alka Pandey, Advocate Mr.Ram Sandesh Roy, Advocate Mr.Prem Kumar Paswan, Advocate
For the Respondent/s	:	Mr.Farooque Ahmad Khan, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 04-09-2024

The petitioner, a practicing Advocate has filed the above writ petition challenging the amendment made in the year 2023 to the Bar Council of Bihar Election Rules, 1968 and has also challenged the elections conducted in the year 2023 to the



State Bar Council.

2. At the outset, it has to be noticed that none of the members elected have been impleaded in the writ petition. It is also relevant that the Rules which are said to have been amended in the year 2023 provide for resolution of all disputes relating to elections by the Central Election Tribunal/ Committee constituted by the Bar Council of India as per the regulations prescribed in this regard; by Rule 49.

3. The challenge is also to the substitution of Rule 49 which though provides that, no election shall be conducted unless the process of verification of certificates of all the Advocates is complete as per the Certificate and Place Of Practice (Verification) Rules, 2015) (for brevity 'Verification Rules of 2015') of the Bar Council of India. It also provides for holding of elections when the process of verification is not likely to be completed within the tenure of the elected members of the Council, with the permission and approval of the Bar Council of India. The petitioner has made bland statements as to the State of Bihar having more Advocates than that listed in the voters list. It is also argued that the prescription will go against Rule 32 of the Verification Rules of 2015.

4. We notice that Rule 32 only provides for the Bar



Council of India to form Adhoc Committees due to the delay in the process of identification of non-practicing Advocates under these Rules or in case of delay in the preparation of the electoral role for the election to the State Bar Councils. It does not necessarily follow that if verification is not completed, then mandatorily there should be an Adhoc Committee formed. The State Election Rules provides for the elections to be held with the permission of the Bar Council of India, even when the verification is not complete.

5. In this context, we also have to notice that the statement of the petitioner that there are more Advocates practicing in the State of Bihar than that indicated in the voters list, is a matter of evidence. The mere statement made by the Law Minister cannot lead to interference to the elections which already have been carried out and the results declared. There is an alternate remedy provided in the Rules itself which the petitioner would be entitled to pursue, if he so desires.

6. We find no reason to interfere with the Rules, specifically the amendments brought in or the elections; which have been concluded and results declared. The intervenor application is also filed, which, in the circumstance of the main matter being rejected does not survive.



7. We dismiss the writ petition leaving liberty as aforesaid.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Anushka/-

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CAV DATE	
Uploading Date	06.09.2024
Transmission Date	

