

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

2024.PHHC.098402-DB



Date of Decision: 30.07.2024

1. Civil Writ Petition No. 9195 of 2021 (O&M)Jatinder Roy Khattar

.....Petitioner

versus

Lakinderdeep Singh Bhaika and others

.....Respondents

2. Civil Writ Petition No. 13178 of 2021 (O&M)Rajinder Bhukkal, Advocate

.....Petitioner

versus

Chairman, Election Tribunal of the Bar Council of Punjab and Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL KSHETARPAL, JUDGEPresent : Dr. Rau P.S.Girwar, Advocate with
Ms. Archana Arora, Advocate, for the petitioner in
CWP No. 9195 of 2021 and for respondent No.4 in
CWP No. 13178 of 2021.Mr. Daman Jeet Bhoariwal, Advocate, for the petitioner in
CWP No. 13178 of 2021.Ms. Garima Pandey, Advocate for
Mr. Anil Mehta, Advocate, for respondent No.5.

SHEEL NAGU, CHIEF JUSTICE (Oral)

Both these petitions are disposed of by this order as common questions of law and facts are involved therein. However, for convenience, the facts are narrated from Civil Writ Petition No. 9195 of 2021.

2. This petition has been filed by the petitioner praying for the following substantial relief:-

- “a) To issue writ of mandamus under Articles 226 and 227 of the Constitution of India for directions to respondent No.1 result qua to election conducted on dated 06.11.2020 and elected as President without completing ten year from the date of membership with District Bar Association, Bathinda dated 21.03.2011 i.e. upto 31.03.2020 in view of Notification dated 09.09.2020 i.e. Annexure P-17 as respondent No.1 cannot permitted to stand, as it is violation of mandatory ten year experience. Also order to set aside the election process dated 06.11.2020 immediately and also pass order for fresh election for the post of President for year 2020-21 to meet end of justice.*
- b) issue writ of certiorari to quash the impugned order i.e. Annexure P-15 dated 03.04.2021 alongwith Annexure P-1 dated 06.11.2020.*
- c) Issue writ of mandamus to vitiate the post of President, District Bar Association, Bathinda by respondent No.1 as non-qualified, eligibility without ten year regular membership with District Bar Association, Bathinda whereas the respondent No.1 is having membership experience about 9 years 10 days.”*

3. The principal grievance of the petitioner in this petition is with regard to the fact that an ineligible person was elected as the President of the District Bar Association, Bathinda in the year 2021 but as the elections were not conducted subsequently due to Covid-19 pandemic, the same President of the Bar continued to hold the office.

4. The Bench is informed that the elections of the District Bar Association, Bathinda, after the Covid-19 pandemic, have been held twice and the President as well as the other office bearers have since been appointed.

5. In view of the above subsequent developments, the cause raised in the petitions has become infructuous. However, this Court hastens to add that the legality and validity of the allegations of the ineligibility of respondent No.1 have not been acknowledged.

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

30.07.2024

ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	√Yes/No