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W.P.No.45402 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2025

CORAM

THE HONOURABLE MR . JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.45402 of 2025
and WMP.No.50585 of 2025

S.M.Vetrivel

... Petitioner

Versus

1.The Secretary
Bar Council of India
No.21, Rouse Avenue Institutional Area
Near Bal Bhawan
New Delhi – 110 002

2.The Secretary
Ministry of Law and Justice
4th Floor, A-Wing, Shastri Bhawan
New Delhi – 110 001

3.The Secretary
Law Department
Government of Tamil Nadu
The Secretariat, Old Building, 2nd Floor
Chennai – 600 009

4.The Secretary



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The Bar Council of Tamil Nadu and Puducherry
High Court Campus, Chennai – 600 104

5.The Secretary
Ministry of Social Justice and Empowerment
Government of India, Shastri Bhawan
Dr.Rajendra Prasad Road, New Delhi – 110 001

6.The Chief Commissioner
Persons with Disabilities
5th Floor, NISD Building
Plot No.G-2, Sector -10
Dwarka, New Delhi – 110 075

7.The Secretary
Parliamentary committee
Committee Room – Main
Parliament House Annexe
New Delhi – 110 001

8.The State Commissioner
Welfare of the Differently Abled
No.5, Kamarajar Salai, Lady Wellington
College Campus, Chennai – 600 005

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, (a) directing the respondents 1 to 4 to reserve at least one seat for directing the respondents 1 to 4 reserve at least one seat for persons with Benchmark Disabilities out of the total 25 seats in the forthcoming State Bar council of TamilNadu and Puducherry Election 2025-26,in strict compliance with section 34 of the rights of persons with Disabilities Act, 2016, (b)direct the Bar Council of India to grant appropriate concession or exemption from the payment of the nomination fee of Rs.1,25,000/- for advocates with benchmark disabilities as a measure of reasonable accommodation under sections 3(5) and 20 of the said act.



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For Petitioner : Mr.T.Gowthaman, Senior Counsel
for Mr.S.Deepika
For Respondents : Dr.G.Balu, Senior Panel Counsel
for R2, R5 and R6
Mr.C.K.Chandrasekar for R4
Standing Counsel

O R D E R

(Order of the Court was made by **N.SATHISH KUMAR, J.**)

The petitioner seeks for the following directions:-

(a) directing the respondents 1 to 4 to reserve at least one seat for directing the respondents 1 to 4 reserve at least one seat for persons with Benchmark Disabilities out of the total 25 seats in the forthcoming State Bar council of TamilNadu and Puducherry Election 2025-26,in strict compliance with Section 34 of the Rights of Persons with Disabilities Act, 2016,

(b) directing the Bar Council of India to grant appropriate concession or exemption from the payment of the nomination fee of Rs.1,25,000/- for advocates with benchmark disabilities as a measure of reasonable accommodation under sections 3(5) and 20 of the said Act.



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2. Mr.Gowthaman, learned senior counsel would submit that the relief sought for by the petitioner in this petition is not to delay or stall the election, only the statutory principles will have to be incorporated by following reservation. Even the committee may not be in a position to consider the same in this election, at-least in future elections, the reservation may be useful. Therefore, seeks direction. He also brought to the notice of this Court the order of the Hon'ble Supreme Court in WP.(Civil).No.1045 of 2025 dated 03.11.2025, wherein, the Hon'ble Supreme Court has passed the following order:-

- 1. The present petitioner is a practicing advocate. It is worth noting that he often takes up the cause of the rights of persons with disability.*
- 2. The instant writ petition, purportedly in public interest, has been filed inter alia seeking a direction to the Bar Council of India and Bar Council of Uttar Pradesh to reserve some of the positions in the Bar Council and Bar Associations for persons with disabilities, who are practicing as advocates.*
- 3. It is not in dispute that the election for the Bar Council of Uttar Pradesh has already been notified, though the nominations are yet to be filed.*
- 4. At this stage, it seems difficult for this Court to interfere and issue a positive mandamus for providing the reservation that is sought. However, the reservation for persons with disability essentially being a policy matter, we dispose of this writ petition with a direction to the Bar Council of India to consider*



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the cause espoused by the petitioner in light of the relevant legislative policies and statutes emanating from the constitutional principles of equality.

5. Consequently, at this stage, we leave it open to all the stakeholders to take an appropriate decision in the subject-matter. Needless to say, the petitioner shall not be precluded from approaching the appropriate forum, if so required, at a later stage.

6. All pending applications, if any, also stand disposed of.

3. The learned counsel appearing for the respondent also brought to the notice of this Court of the order Hon'ble Supreme Court in WP.(Civil).No.1319 of 2023 dated 18.11.2025 with regard to the effective conduction of the election of the Bar Council. The Hon'ble Supreme Court has given various directions and posted the matter on 06.01.2026. The directions are as follows:-

12. With a view to facilitate the effective conduction of these elections, we deem it appropriate that elections to different State Bar Councils ought to take place in a phased manner. To that end, we issue the following directions:

I. The State Bar Councils of Telangana and Uttar Pradesh, where the elections have already been notified, shall conclude their elections by 31.01.2026. The counting of votes and subsequent declaration of results shall, in any case, be concluded on or before 28.02.2026. The elections will be conducted under the direct supervision of the High-Powered Election Committee – Phase I, comprising the following three members:

(i) Justice Ravi Ranjan, former Chief Justice,



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Jharkhand High Court (Chairperson);

(ii) Justice A.R. Masoodi, former Judge, Allahabad High Court; and

(iii) Justice Rekha Palli, former Judge, Delhi High Court.

II. In the second phase, the elections of the State Bar Councils of Andhra Pradesh, Delhi, and Tripura shall be conducted. The entire election programme, including counting of votes and subsequent declaration of results shall, in any case, be concluded on or before 28.02.2026. The elections in Andhra Pradesh and Tripura will be conducted under the direct supervision of the HighPowered Election Committee – Phase II, comprising the following three members:

(i) Justice Virender Singh, former Chief Justice, Jharkhand High Court (Chairperson);

(ii) Justice Chander Shekhar, former Judge, Delhi High Court; and

(iii) Justice D.C. Chaudhary, former Judge, Himachal Pradesh High Court.

We are informed that, so far as Delhi is concerned, a Special Committee has been constituted to conduct elections to the State Bar Council of Delhi. The threemember Special Committee includes two eminent Senior Advocates, one of whom is also serving as Additional Solicitor General of India. We see no reason to interfere in the composition of that Committee, and it shall perform the same function as envisaged for HighPowered Election Committees in this order. At the same time, in light of the directions passed hereinabove, we impress upon the Special Committee that it may seek guidance from the High-Powered Election Supervision Committee for ensuring fair and transparent elections.

III. In the third phase, the elections of the State Bar Councils of Gujarat, Jharkhand, Karnataka, Punjab & Haryana, Rajasthan, and West Bengal shall be conducted. The entire election programme, including counting of votes and subsequent declaration of results shall, in any case, be



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concluded on or before 15.03.2026. In the interest of effective supervision, the elections will be conducted under the direct supervision of the following Committees:

(A) The High-Powered Election Committee – Phase III-A, for Gujarat and Jharkhand, comprising Justice Siddharth Mridul, former Judge, Delhi High Court (Chairperson), and 2 members who he may nominate;

(B) The High-Powered Election Committee – Phase III-B, for Karnataka and West Bengal, comprising Justice D. Krishnakumar, former Chief Justice, Manipur High Court (Chairperson), and 2 members who he may nominate; and

(C) The High-Powered Election Committee – Phase III-C, for Punjab & Haryana, comprising Justice Ranjit Singh, former Judge, Punjab & Haryana High Court (Chairperson), and 2 members who he may nominate.

IV. In the fourth phase, the elections for the State Bar Councils of Maharashtra & Goa, Meghalaya, and Uttarakhand shall be conducted. The entire election programme, including counting of votes and subsequent declaration of results shall, in any case, be concluded on or before 31.03.2026. In the interest of effective supervision, the elections will be conducted under the direct supervision of the following Committees:

(A) The High-Powered Election Committee – Phase IV-A, for Maharashtra & Goa, comprising Justice K.R. Shriram, former Chief Justice, Madras and Rajasthan High Court (Chairperson), and 2 members who he may nominate;

(B) The High-Powered Election Committee – Phase IV-B, for Meghalaya, comprising Justice Arup K. Goswami, former Chief Justice, Sikkim, Andhra Pradesh, and Chhattisgarh High Court (Chairperson), and 2 members who he may nominate; and

(C) The High-Powered Election Committee – Phase IV-C, for Uttarakhand, comprising Justice Rajiv Sharma, former Judge, Himachal Pradesh, Uttarakhand, and Punjab & Haryana High Court (Chairperson), and 2 members who he



may nominate.

V. In the fifth and the last phase, the elections of the State Bar Councils of Assam, Himachal Pradesh, Kerala and Tamil Nadu & Puducherry shall be conducted. The entire election programme, including counting of votes and subsequent declaration of results shall, in any case, be concluded on or before 30.04.2026. In the interest of effective supervision, the elections will be conducted under the direct supervision of the following Committees:

(A) The High-Powered Election Committee – Phase V-A, for Assam, comprising Justice Arup K. Goswami, former Chief Justice, Sikkim, Andhra Pradesh, and Chhattisgarh High Court (Chairperson), and 2 members who he may nominate;

(B) The High-Powered Election Committee – Phase V-B, for Himachal Pradesh, comprising Justice J.R. Midha, former Judge, Delhi High Court (Chairperson), and 2 members who he may nominate; and

(C) The High-Powered Election Committee – Phase V-C, for Kerala and Tamil Nadu & Puducherry, comprising Justice Rajiv Shakdher, former Chief Justice, Himachal Pradesh High Court (Chairperson), and 2 members who he may nominate.

13. Having directed so, we hasten to add that the above stipulations would not be so construed that the elections of State Bar Council should be necessarily prolonged till the final prescribed dates. In case the High-Powered Election Committee comes to a conclusion that it would be desirable as well as feasible to conduct the elections as per a preponed schedule, subject to the time-line laid down hereinabove illustratively, it may, through an order, so direct.

14. In addition to the High-Powered Election Committees constituted above, we also deem it appropriate to constitute a three-member High-Powered Election Supervisory Committee, on a panIndia basis, which shall be headed by a former Judge of this Court and shall also comprise one former Chief Justice



of a High Court and one renowned Senior Advocate, who does not contest election(s) of the Bar Councils or the Bar Associations. For the same, in this regard, we appoint the following as members of such Supervisory Committee:

(i) Justice Sudhanshu Dhulia, former Judge, Supreme Court of India (Chairperson);

(ii) Justice Ravi Shankar Jha, former Chief Justice, Punjab & Haryana High Court; and

(iii) Shri V. Giri, Senior Advocate.

15. We also deem it appropriate to issue certain directions in order to facilitate the Bar Council of India and the State Bar Councils for an expeditious conclusion of the verification process. In this vein, all the Universities/deemed Universities/Law Universities are directed to depute a special team of their officers, which shall include a senior faculty member of the Law Department/Faculty, for verification of the degrees that may have been received from the State Bar Councils. Such verification shall be done within a period of one week from the date of receipt of the degree. However, the Universities shall not raise any additional demand of costs or fees for verification merely because this Court has directed them to conduct the verification process in a prioritised manner.

16. We further direct that the State Bar Councils as well as the High-Powered Election Committees shall adhere to the time schedule, as has been prescribed through this order. All those advocates who have applied for verification of their degrees shall be permitted to cast their vote in the election of the State Bar Councils, subject to the necessary consequences, as the case may be.

17. However, where, on verification, a law degree has been found to be fake/not genuine/unrecognised, such degree holder shall not be permitted to participate in the election process.

18. Where any of the exercise/steps, as referred to in the model time-line suggested above, have been already



undertaken by the State Bar Councils as a part of the notified election programme, the High-Powered Election Committee(s) may exempt/dispense with such procedural requirement. All other necessary orders/directions for conducting the elections shall be passed by the High-Powered Election Committee.

19. During the course of hearing, it is seen that several lawyers have individual and varied grievances. We are afraid such individual grievances cannot be addressed in these proceedings. Liberty is, hence, granted to them to apply before the High-Powered Election Committee(s) for redressal of their individual issue(s).

20. Any person who is aggrieved by the decision of the HighPowered Election Committee shall be at liberty to approach the High-Powered Supervisory Committee. The decision taken by the Supervisory Committee shall be final. No civil court or High Court shall entertain any petition(s) against such decision.

21. To enable the Committees constituted herein to perform their functions, we direct the Bar Council of India to make available adequate secretarial assistance to the respective Committees, as required.

22. In addition, the respective Chairpersons and Members of the High-Powered Election Committees, as well as the Chairperson and Members of the High-Powered Election Supervisory Committee, shall be entitled to a reasonable honorarium along with other perks, the amount and modalities of which may be finally decided by the Chairperson of the High-Powered Election Supervisory Committee in consultation with the Bar Council of India.

23. Before closing our observations, we acknowledge and place on record our appreciation for the fair stand taken by the Bar Council of India before this

Court to further the cause of fair and transparent elections to the State Bar Councils.

24. List on 06.01.2026."



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4. As the High Powered Committee is also appointed by the Hon'ble Supreme Court to conduct the elections, we are of the view that with regard to the conduct of the election, no petition would be maintainable in any of the High Court as held by the Hon'ble Supreme Court. Whereas, Mr.Gowthaman, learned senior counsel submitted that he has no grievance in conducting of election in any manner, his grievance must be addressed atleast not in this election, but in future, in light of the directions of the Hon'ble Supreme Court in WP.(Civil).No.1045 of 2025 dated 03.11.2025.

5. Considering the limited relief as sought for by the petitioner, as the writ petition is not with regard to the stalling of any election, it is for the Bar Council to take a decision as per law. It is made clear that this direction may not come in the way of conduct of the election. Election has to be conducted scrupulously as per law as per the directions of the Hon'ble Supreme Court. With regard to seeking exemption in fees, it is for the petitioner to place his grievance before the High Powered Committee appointed by the Hon'ble Supreme Court.



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6. With the above, this petition stands disposed of. No costs.

Consequently, connected miscellaneous petition stands closed.

[N.S.K.,J.] [M.J.R.,J.]

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Index: Yes/No
Neutral Citation: Yes/No
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