

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

WEDNESDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN**

WRIT PETITION NO: 40596 OF 2025

Between:

B. Subash, S/o Late B. Neembu Rao, aged about 55 years, Occ. Advocate
High Court of Telangana, R/o H.No.10-3-237, Lingojiguda, Saroornagar,
Ranga Reddy District-500 035.

...PETITIONER

AND

1. Bar Council of India, Rep. by its Secretary, 21, Rouse Avenue Institutional Area, Near Bal Bhavan, New Delhi -110 002.
2. Bar Council of Telangana, Rep. by its Secretary, High Court Premises, Hyderabad, Telangana State-500 066.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the Rule IV Chapter-I including BCI Revised Election Eligibility Rules 2023, dated 29/10/2025 of Bar Council of India which is a glaring violation of Articles 14 and 21 Constitution of India, law declared by Hon'ble Supreme Court of India in Case of Baccarose Perfumes And Beauty Products...vs Central Bureau Of Investigation on 6 September, 2024, Honourable High Court of A.P. in M. Mohan Babu vs Government Of A.P. And Others on 17 December, 2000, Advocate Act 1961 is being arbitrary, illegal, unconstitutional and consequently struck down the Rule IV Chapter I of Bar Council of India including the amendment dated 29/12/2025 as ultravires, unconstitutional, violative of Article 14, 21 of Constitution of India and law declared by their lordships of Hon'ble Supreme Court of India in Baccarose

Perfumes And Beauty Products... vs Central Bureau Of Investigation on 6 September, 2024, Honourable High Court of A.P. in M. Mohan Babu vs Government Of A.P. And Others on 17 December, 2000 and pass such order or other in the interest of justice.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of Impugned Rule IV Chapter I of BCI Revised Election Eligibility Rules 2023, dated 29/10/2025, pending disposal of the writ petition.

**Counsel for the Petitioner: SRI K.SAI TEJA, REP.
SMT ROHITHA PRIYANKA BANALA**

Counsel for the Respondent No.1: SRI AADESH VARMA, SC FOR BCI

**Counsel for the Respondent No.2: SRI S.ASHOK ANAND KUMAR,
Sr. COUNSEL, REP.
SRI J.MANIKANTA REDDY, SC FOR BCTG**

The Court made the following: ORDER

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND**

THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT PETITION No.40596 of 2025

Date: 31.12.2025

Between:

B.Subash

....Petitioner

AND

Bar Council of India and another

....Respondents

ORDER

Heard Sri K.Sai Teja, learned counsel representing Smt.Rohita Priyanka Banala, learned counsel for the petitioner; Sri Aadesh Varma, learned Standing Counsel for Bar Council of India appearing for respondent No.1; and Sri S.Ashok Anand Kumar, learned Senior Counsel representing Sri J.Manikanta Reddy, learned Standing Counsel for Bar Council of Telangana appearing for respondent No.2 and perused the record.

2. The present writ petition is filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus declaring Rule IV of the Bar Council of India (BCI), including the Revised Election Eligibility Rules, 2023 (as amended), as unconstitutional and violative of Articles 14 and 21 of the

Constitution of India. The petitioner, a practising advocate, specifically challenges the disqualification criteria based on the pendency of serious criminal cases.

Contentions on behalf of the petitioner

3. The petitioner assails the constitutional validity of Rule IV of BCI, which provides for disqualification of candidates on the basis of pendency of criminal or disciplinary proceedings, on the following grounds:

- i. That Rule IV of BCI is violative of Articles 14 and 21 of the Constitution of India. It is urged that the impugned rule undermines the well-settled principle of presumption of innocence, which mandates that an individual is to be treated as innocent until proven guilty by a competent Court of law.
- ii. That mere pendency of criminal or disciplinary proceedings, particularly those pending within nine months prior to the election, cannot constitute a valid ground for disqualification. Specific challenge is laid to the 2025 amendment, which disqualifies a candidate if two or more such proceedings are pending, on the ground that the same is arbitrary, unreasonable, and constitutionally impermissible.
- iii. That the Advocates Act, 1961 do not confer any power upon the BCI to prescribe disqualifications of the nature

contained in Rule IV of BCI. It is contended that the impugned rule amounts to the BCI travelling beyond the scope of the parent statute under the guise of delegated legislation.

- iv. The petitioner further points out an alleged disparity in standards, contending that a substantial number of Members of Parliament and Members of Legislative Assemblies face pending criminal cases, yet are not disqualified from contesting elections. It is argued that advocates cannot be subjected to a more onerous and restrictive standard that effectively denies them the right to contest Bar Council elections.
- v. That the 1st respondent failed to conduct elections to the Bar Council of Telangana for a period exceeding five years and is now invoking notions of "Ethical Standards" as a pretext to introduce the impugned disqualification norms, which is colorable exercise of power, lacking *bona fides*.

Contentions on behalf of the respondents

4. The learned counsel appearing for the respondent No.1 and the learned Senior Counsel representing the respondent No.2 submit that the impugned rules are legally sustainable and justified in the facts and circumstances of the case. Their submissions, in substance, are as follows:

- i. That the impugned rules have been framed with the object of improving the standards of the Bar Councils and ensuring that only practicing advocates with unblemished antecedents are elected to positions of governance, thereby preserving the dignity, credibility and integrity of the legal profession.
- ii. That the authority to frame the impugned rules flows from Sections 7(1) and 49 of the Advocates Act, 1961, which empower the BCI to lay down standards of professional conduct and to prescribe qualifications and disqualifications for membership of Bar Councils.
- iii. That the impugned rules were placed before the Hon'ble Supreme Court in ***M. Vardhan v. Union of India and another***¹ and are being implemented in compliance with, and under the directions of, the Apex Court with a view to ensuring a fair, transparent and ethically sound election process.
- iv. That the principle of presumption of innocence applicable in Criminal Jurisprudence does not preclude a professional regulatory body from prescribing reasonable eligibility and disqualification criteria in furtherance of maintaining institutional

¹ W.P.(C) No.1319 of 2023 dated 18.11.2025

integrity and public confidence in its governing bodies.

- v. That the Election notification itself provides for redressal of individual grievances through the High-Powered Election Committee (Phase-I) and the Supervisory Committee, whose decisions are intended to be final, thereby obviating the need for interference by this Court.

5. We have taken note of the respective contentions urged.

Analysis and finding

6. It is pertinent to note that the challenge to Rule IV suffers from gross delay and laches. The BCI Revised Election Eligibility Rules were notified in June, 2023 and were amended on 29th October, 2025 have remained in the public domain ever since. The petitioner has chosen to approach this Court only on 30.12.2025, and that too after the issuance of the Election Gazette Notification dated 20.12.2025 for the Bar Council of Telangana. It is a well-settled principle that the "rules of the game" cannot be permitted to be challenged once the election process has commenced. The belated invocation of this Court's jurisdiction, after allowing the impugned rule to operate unchallenged for more than two years, is fatal to the maintainability of the writ petition.

7. It is of significance that the elections to the State Bar Councils are being conducted strictly in terms of the directions issued by the Hon'ble Supreme Court of India in **M.Vardhan's** case (supra 1). The Apex Court, in exercise of its plenary powers under Article 142 of the Constitution, has prescribed a structured and time-bound framework to ensure the conduct of elections within a stipulated period. The said directions also provide for the constitution of a High-Powered Committee to supervise the election process and to address election-related grievances.

In view of the election being conducted under the direct supervision and control of the Hon'ble Supreme Court and within the timelines fixed by it, this Court is not inclined to interfere with the ongoing election process, particularly when a specialised and efficacious grievance-redressal mechanism before the High-Powered Committee is available to the petitioner.

8. Upon careful consideration, the precedents relied upon by the petitioner, are found to be inapplicable to the facts and issues arising in the present case.

- i. **Baccarose Perfumes v. CBI**² pertains to the conduct of criminal investigations and the rights of an accused in the context of a criminal trial. The said decision does not deal with eligibility criteria for elections to professional regulatory bodies, nor does it examine the statutory

² (2023) 1 SC 384

authority of the BCI to prescribe standards aimed at maintaining ethical norms within the legal profession.

- ii. ***M. Mohan Babu v. Government of A.P.***³ relates to the right to contest general elections governed by the Representation of the People Act. Elections to Bar Councils stand on a distinct footing, the legal profession being a regulated and noble vocation governed by the Advocates Act, 1961, which vests the Bar Council of India with the authority to prescribe higher standards of conduct and eligibility for its elected representatives to safeguard the integrity of the Bar.
- iii. ***Bar Council of Maharashtra and Goa v. Rajiv Nareshchandra Narula***⁴ concerned disciplinary proceedings and the threshold of a *prima facie* case for initiation of such proceedings. The issues considered therein are clearly distinguishable, as the present writ petition challenges the validity of a rule framed in exercise of rule-making power governing eligibility in Bar Council elections, and not disciplinary action against an individual advocate.

Therefore, the aforesaid decisions relied do not advance the case of the petitioner.

³ 2001 (1) ALT 263

⁴ C.A. @ SLP (Civil) Nos. 27606 of 2021 and batch dated 24.09.2025

Conclusion

9. This Court finds that the Bar Council of India is acting well within the ambit of its statutory authority under Sections 7 and 49 of the Advocates Act, 1961, in framing rules intended to ensure that the governance of the Bar is entrusted to persons without serious criminal antecedents. The principle of presumption of innocence, which operates in the realm of criminal jurisprudence, does not fetter the power of a professional regulatory body to prescribe reasonable eligibility conditions in order to safeguard the dignity, credibility and standards of the legal profession.

10. It is also relevant to note that the elections to the Bar Councils are being conducted strictly in accordance with the timelines fixed by the Hon'ble Supreme Court and under the supervision of the Committee constituted pursuant to its directions.

11. In the light of the aforesaid discussion, this Court is of the considered view that the present writ petition is not maintainable inasmuch as the Hon'ble Supreme Court has exclusively entrusted the conduct of elections and election-related grievance redressal to specially constituted Committees; the petitioner has an efficacious alternative remedy before such Committees; and any interference by this Court would amount to

impermissible intrusion into the binding orders of the Hon'ble Supreme Court and the ongoing election process.

12. Accordingly, the Writ Petition is dismissed. No order as to costs.

As a sequel, the miscellaneous petitions, if any, shall stand closed.

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SD/- K.MADHAVI
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. One CC to SMT ROHITHA PRIYANKA BANALA, Advocate [OPUC]
2. One CC to SRI AADESH VARMA, SC FOR BCI [OPUC]
3. One CC to SRI J.MANIKANTA REDDY, SC FOR BCTG [OPUC]
4. Two CD Copies

BSR



HIGH COURT

DATED: 31/12/2025

ORDER

WP.No.40596 of 2025



DISMISSING THE WRIT PETITION,
WITHOUT COSTS

⑥
kpr
20/1/26