

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1062 of 2026

1. Rajesh Kumar S/o- Ravindra Singh, R/o- Village- Rampur, P.S- Suryagarha, Dist.- Lakhisarai.
2. Dayanand Mishra, S/o Late Shobha Kant Mishra, R/o- Village- Losghani, P.S.- Suryagarha, Dist- Lakhisarai.
3. Amarnath @ Amarnath Singh @ Ram Shankar Babu, S/o- Siyaram Prasad Singh, R/o- Village- Barhiya (Ward No.-3), P.S.- Lakhisarai, Dist- Lakhisarai.
4. Kumar Vikash Chandra @ Vikash Chandra, S/o- Satish Kumar Pandey, R/o- Village- Balgudar, P.S- Lakhisarai, Dist.- Lakhisarai.
5. Md. Alam Raza, S/o- Late Aminuddin, R/o- Mohalla- Ward No.-2, Purani Bazar (Lakhisarai), P.S- Lakhisarai, Dist.- Lakhisarai.
6. Ravi Vilochan Verma @ Ravi Lochan Verma, S/o- Lakhan Lal Verma, R/o- Village- Vrindavan, P.S. Lakhisarai, Dist- Lakhisarai.
7. Pradip Kumar Verma @ Pradip Verma, S/o- Madhav Mohan Verma, R/o- Village- Mahila Vidhya Mandir, Naya Tola, Purani Bazar (Ward No.-12), P.S.- Lakhisarai, Dist- Lakhisarai.
8. Gayanchandra Arya, S/o- Ramji Prasad, R/o- Village- 108, Naya Bazar, Pachana Road, Munshipal Area, P.S- Lakhisarai, Dist.- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Law Secretary, Dept. of Law, Patna (Bihar).
2. The Law Secretary, Dept. of Law, Patna (Bihar).
3. The Bar Council of India, through its Secretary, 21 Rouse Avenue Institutional Area, Near Bal Bhawan, New Delhi-110002.
4. The Bihar State Bar Council, through its Secretary Bihar State Bar Council Bhawan, Patna.
5. The Chairman, Bihar State Bar Council, Bihar State Bar Council Bhawan, Patna.
6. The Secretary, Bihar State Bar Council, Bihar State Bar Council Bhawan, Patna.
7. Shambhu Sharan Singh, S/o- Late Rajeshwar Singh, In Capacity of Ex-President, Bar Association Lakhisarai, R/o- Village- Lodiya, P.S. and Dist- Lakhisarai.
8. Subodh Kumar, S/o- Sita Ram Arya, In Capacity of Ex-Secretary, Bar Association Lakhisarai, R/o- Village- Urain, P.S- Kajra, Dist.-Lakhisarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Amit Srivastava, Sr. Adv.
Mr. Onkar Nath, Adv.
Mr. Ram Vinay Pd. Singh, Adv.



For the Bar Council : Mr. Bipin Kumar, Adv.
Mr. Ravi, Adv.
For the Respondent/s : Mr. Sita Ram Yadav, GP-16

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
Date : 22-01-2026

Heard Mr. Amit Srivastava, learned Senior Advocate assisted by Mr. Onkar Nath, learned Advocate for the petitioners, Mr. Bipin Kumar, learned Advocate for the Bihar State Bar Council and the learned Advocate for the State.

2. The petitioners voiced a concern and grievance pertaining to inaction of the Bihar State Bar Council in not allowing to hold the election of District Bar Association, Lakhisara. Challenge has been made to an order dated 04.01.2026 as contained in Ref:- 18 to 24/2026, whereby the Bihar State Bar Council resolve to restrain forthwith to begin with the election process of District Bar Association, Lakhisarai which was commenced in pursuance to General Body Meeting dated 11.12.2025.

3. The petitioners have also challenged the show-cause notice dated 09.12.2025, whereby the petitioners have been directed to furnish show-cause within fortnight; besides the order dated 15.12.2025, whereby the Three Member Committee of the respondents were directed to resolve the ongoing stalement/hindrane in the Lakhisarai Bar Association.



4. Learned Senior Advocate representing the petitioners has taken this Court through various averments made in the writ petition and submitted that last election of District Bar Association was held on 16.10.2023 but unfortunately, the elected Committee began to act in contrary to the by laws and rules. Notwithstanding the expiry of the terms of Committee, no action was taken to conduct election of District Bar Association, which caused serious resentment amongst the members. Rule 15 of the Uniform Rules For Bar/Advocates/Lawyers Association of Bihar mandates that the terms of the office bearers and the members of the Executive Committee, shall be only for two years from the date of election, which shall be counted from 16th April of the year. After expiration of the terms, the Executive Committee shall cease to function and the Election Commission of the Bihar State Bar Council shall take steps to hold the election within a period of three months. The term of the previous elected Committee has ceased on 16.04.2025 itself, but till date the fresh election could not be held, compelling the petitioners to constitute an ad hoc committee and start the process of election.

5. Referring to the resolution dated 12.11.2025, the copy of which is marked as Annexure-P/2, it is submitted that



on 12.11.2025 itself, the Bar Council deliberated upon the issue and observed that the dispute of affairs continuing in the association is very unfortunate and as a last chance, the Council resolves to grant 30 days time to the Association for calling General Body meeting for election of Returning Officer and Three Men Committee for holding election of the Association. Despite the aforesaid deliberation taken by the Bihar State Bar Council, the members thereof by one reason or other have not been allowing the election to be conducted and, as such, the General Body Association of Lakhisarai Bar Association has fixed the date of election to be held on 24.01.2026, in terms with the general notice dated 18.12.2025, the copy of which is placed on record as Annexure-P/10.

6. Narrating the aforesaid State of affairs and concern of the members of the Bar Association, learned Senior Advocate concluded that more than three months have been lapsed after expiry of the period of the terms of the office bearer, till date, the election could not be held. The petitioners before this Court are only intended to get a new elected Committee after proper election but the Bihar State Bar Council has caused hindrances. Hence the present writ petition.

7. Mr. Bipin Kumar, learned Advocate for the Bihar



State Bar Council vehemently refuted all the contentions of the petitioners and submitted that the petitioners have taken the law into their hand and illegally constituted an ad hoc committee, who has no legal status. Referring to Rule 32 of the Uniform Rules For Bar/Advocates/Lawyers Association of Bihar it is contended that the decision of the Bar Council shall be binding on all the Association and lawyer of the State of Bihar. Further it is the Executive Committee of Bihar State Bar Council, which will act as Election Commission and will have all powers to get the election conducted in all affiliated Bar/Advocates/Lawyers Association including change of Returning Officer, stay of counting, stay of election result, anul the election and cancel the result, in terms with Rule 32-A.

8. It is further submitted that taking note of certain irregularities and the high handedness on the part of the so-called General Body Members of the Lakhisarai Bar Association, a Three Member Committee was constituted after proper deliberation, it has been resolved that the Committee nominated by the Bihar State Bar Council shall apprise the matter and thereafter, the process of election of association shall be taken.

9. The Three Member Committee informed that a



sorry state of affairs was going on in the District Bar Association, Lakhisarai and the petitioners by constituting an illegal ad hoc committee started process of election beyond their powers contrary to model rules, this led to issuance of the impugned order dated 04.01.2026.

10. Having heard the parties, prima facie, this Court is of the opinion that one thing which is apparent is that both the parties are intended to hold the election but on account of some interference made by the self created ad-hoc Committee of the District Bar Association, Lakhisarai, now some obstruction is being caused to conduct the election. However, the petitioners have unanimously submitted that they will not cause any impediment, if the Bihar State Bar Council is bonafidely interested to hold the election, which is the dire need of the present situation.

11. Considering the submissions advanced and taking note of the facts that parties are intended to hold election and elect the office bearers, as the term of the office bearer have already come to an end on 16.10.2025; and the mandate of the Modal Rules clearly require that the Executive Committee of the Bihar State Bar Council will act as an Election Commission and will have all the powers to get the election



conducted in all the affiliated Bar/Advocates/Lawyers Association, this Court directs the Bihar State Bar Council to conduct the election of the District Bar Association, Lakhisarai by following all the due process within a period of 45 days, in accordance with law, from the date of pronouncement of the order.

12. The writ petition stands disposed off.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.01.2026
Transmission Date	NA

