

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4393 of 2026

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Saroj Kumar, Advocate (in person) Son of Late Bashishth Singh, R/o- Ganga Gate no. 28, Ward no. 22, Muhalla- Rajanpur, P.S. - Shree Krishna Puri, Dist. - Patna, Practicing Advocate of Patna High Court and member Advocates Association P.H.C.

... .. Petitioner/s

Versus

1. The Bar Council of India through its Chairman.
2. The Chairman, Bar Council of India, Rouse Avenue Institutional Area, Near Bal Bhawan, New Delhi.
3. The State Bar Council, Patna through its Chairman.
4. The Chairman, Bihar State Bar Council, Bar Council Bhawan, Patna High Court, Patna.
5. The Advocates Association, Patna High Court through its Returning officer.
6. The Returning Officer, Advocates Association, Patna High Court, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Saroj Kumar (In Person) Mr. Dharm Nath Pd. Yadav, Advocate
For the Respondent/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Anjani Kumar, Sr. Advocate Mr. Shailendra Kumar Singh, Advocate
For the Secretary General:		Mr. Jai Shankar Pd. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 26-03-2026 Heard Mr. Saroj Kumar (in person) for the petitioner, duly assisted by Mr. Dharm Nath Pd. Yadav, learned counsel; Mr. Ramakant Sharma, learned Senior Counsel for respondent nos. 3 and 4, duly assisted by Mr. Bipin Kumar; Mr. Shailendra Kumar Singh, learned counsel for respondent no. 5; Mr. Anjani Kumar, learned Senior Counsel for respondent no. 6; and Mr. Jai Shankar Pd. Singh, Secretary General, Bihar State Bar Council, in the presence of



a battery of lawyers from the Advocates' Association.

2. The petitioner is a practicing advocate of this Hon'ble Court since 2002 and a permanent resident of Bihar who seeks to invoke the Court's writ jurisdiction regarding the upcoming association elections. Having previously contested for the post of General Secretary, the petitioner is directly affected by the election notice issued on March 17, 2026, (Annexure P/1) which scheduled the vote for April 17, 2026. This notice revealed that respondents No. 5 and 6 fixed exorbitant nomination fees, such as Rs. 25,000 for President and Rs. 20,000 for Secretary General, which is a massive departure from the reasonable Rs. 500–1,000 range seen in the 2023–2025 elections. Disturbed by this, the petitioner submitted representations on March 18, 2026, (Annexure P/2) urging a reduction, so that, average advocates would not be discouraged from contesting, yet, the respondents have continued to act in an arbitrary manner. These actions stand in direct violation of the Bihar Council Rules, 1962 "Uniform Rules for Bar/Advocates' / Lawyers' Association of Bihar" (Amendment 2017), which explicitly prescribe lower, affordable rates for all posts under Para 19 (xiv). The petitioner asserts that this fee hike serves no purpose other than promoting corruption and creating elitist



class, which violates the principles of equity and Article 14, 19 and 21 of the Constitution of India.

3. Learned Counsel for the Petitioner emphasised upon Para 6, 7 and 8 of the writ petition to buttress his submissions, which is reproduced hereunder:

" 6. That the petitioner asserts and states that the respondents are acting in a thoroughly arbitrary manner. During the last elections (2023-2025) the nomination fee was in the range of Rs. 500-1000/-. In other words, the nomination fee during the previous elections was reasonable and affordable for the advocates in general. The exorbitant increase in the nomination fee serves no useful purpose except promoting corruption in the running of the Association.

7. That it is submitted that there is a Uniform Rules For Bar/Advocates' / Lawyers' Association of Bihar, amended till 2017 prescribes para 19(iii) regarding power of Returning Officer and Para 19(xiv) provides rate of nomination fees for each post. For the ready reference para 19 of the Rules is coated here:-

19. (i) The Election of the office bearer of the Association be held on the date fixed under the Rules. The General Secretary/Secretary shall convene the annual general meeting in the month of February to consider the election matter before completion of the term of the office on 15th of April of the year.



(ii) *The returning officer shall be appointed in the Annual General meeting by the General Body.*

(iii) *The returning officer shall publish the programme of the election of the Office bearers.*

(iv) *The election shall be conducted by secret ballot, as and when occasion arises, provided; there shall be no voting in the event of unanimous election.*

(v) *The practicing member, whose name appears on the roll of Association shall be eligible to be entered in voter list.*

(vi) *Any kind of election-dispute including the entry and omission of the name in the voter list shall be decided by a three members committee. This committee shall be constituted by the Association in Annual General Meeting in which the resolution to hold the election is adopted. The members of the Committee shall be from those advocates having a practice of 25 years and above in District Bar Association and 10 years and above in Sub-Divisional Bar Associations and/or Senior Advocate subject to relaxation under Rule 13(A).*

The General Secretary of the Association shall supply the general register of Advocates on roll to the Returning Officer within a week of the appointment by the General Body. The Returning Officer shall prepare a preliminary voter list in accordance with the names appearing on the general register of the Bar Association, The Returning officer objections, if any and decide the same expeditiously preferably within three days.



The objection may be filed within 7 days of the publication of preliminary voter list.

(vii) Any member aggrieved by the decision of Returning Officer in relation daye of its decision or publication of voters list by filing a petition to the to the entries of names in the voter list may challenge within seven three men committee. The committee shall decide the matter without any delay preferably before the filing of nomination. Such person shall be eligible to participate in the election including to contest.

(viii) A final voters list shall be published fifteen days prior to the date fixed for election. The Returning Officer shall get a preliminary voters list published and shall call, for objection within a reasonable time. The final list shall be published after disposal of objection, if any. The parties and objector shall be heard before deciding the complaint objections as laid down in Rule (vi) below."

(ix) The name of the candidate shall be nominated by two persons who name appear in the voters list.

(x) The Election dispute will be raised before the Bar Council.

(xi) The aggrieved party may file application within 30 days of the election before the Bar Council.

(xii) The Bar Council shall dispose of the appeal within two months.

(xiii) The fee for filing election petition is prescribed as Rs. 2000/-(Rs. two thousand)

(xiv) The nomination fee will be as follows:-

:-President Rs. 1,000.00

*:-General Secretary/Secretary Rs.
1,000.00*

:-Treasurer, Assistant Secretary



and Joint Secretary Rs. 500.00

:-Executive Member Rs. 250.00

8. That the impugned decision of the respondent is in violation of the norms of the Bar Council issued from time to time.”

4. This Court vide order dated 25.03.2026 directed the formation of a committee to deliberate upon the fee structure for the upcoming elections, which has been notified through the notice dated 17.03.2026 (Annexure P/1). In compliance with this directive and following consultations with the Advocates' Association, the respondent through counter affidavit on behalf of Bihar State Bar Council, Patna has submitted a proposal to reduce the previously announced nomination fees by 50%. This reduction is intended to balance the administrative needs of the association with the financial accessibility required for all members to contest. The relevant portion of the affidavit filed by the Bihar State Bar Council is reproduced hereunder:-

“3. That pursuant to the Hon'ble Court's order passed on 25.03.2026 (i) The Chairman, Bihar State Bar Council, (ii) Returning Officer, of ensuing election 2026 (Mr. Anjani Kumar) (iii) President Advocate Association (Mr. Shailendra Kumar Singh), (iv) Secretary, Advocate Association (Mr. Jay Shankar Prasad Singh), all sat together and elaborately discussed the situation keeping in view the direction of the Hon'ble Court. After due deliberation aforesaid persons arrived at unanimous view that to meet the expenses to be



borne out by the Advocate Associations' and to lessen the burden on the intending contestant of different posts and the contention raised by the writ petitioner that Advocate Associations' being the biggest Association of the Hon'ble High Court has no paucity of fund. But the facts remains that by efflux of time the expenditure for holding election has gone high in comparison to the earlier election cost. that a part the fund of the Association is meant for welfare of the Members of the Association and to meet day-to-day expenses and the library expenses and that fund ought not be utilized for the election purposes. Considering the above all situation keeping in view the judgment of the Apex Court which was brought to the kind notice of the Hon'ble High Court it has been decided unanimously nomination fee as has been decided by the R.O. and that the approved by the Bihar State Bar Council, Patna High Court, Patna & to keep harmony among the members and contesting candidates and members of the Association in general, the fee approved by the Bar Council, is reduced to half for each posts. ”

5. On the other hand, supplementary affidavit on behalf of the petitioner has also been filed, where the petitioner has taken a stand that the consensual proposal coming from the members of the Bar and the direction issued by this Bench would be acceptable to the petitioner. The relevant portion of the supplementary affidavit is reproduced as under:-

“7. That in the interest of members and office bearers of the Advocates' Association it is submitted that the



Association is group of deprived advocates of common class and such abrupt increase of non refundable nomination fee 25 times higher than previous election would prevent a worthy candidate from filing nomination due to his economic constraint and such a situation is neither in the interest of Advocate Community in as much as the Advocate Community may have been deprived of service of a dedicated office bearer nor is it in tune with Article 14 of the Constitution of India. This apart in the opinion of General Advocates consulting to the petitioner increase in the nomination fee may be commensurate with inflation, but an increase in the nomination fee can't be made with a view to meet luxury of election process and for collection of total expenditure of election at one stroke.

8. That at the outset it is stated that whatever consensus proposal comes from the members of Bar and the Hon'ble bench shall be acceptable to the petitioner."

6. It is relevant to state that during the course of hearing today i.e. 26.03.2026, this Court noticed that the proposal brought by the Chairman, Bihar State Bar Council, for consideration of this Court, with regard to slashing down of enhanced nomination fee by 50%, the present office bearers, including the prospective candidates were not agreeable to such reduction and were insisting for further more reductions, which on consensus being arrived between them, it has accordingly



been agreed that the present proposed nomination fee should be reduced to 25%, as it figured in Annexure P/1.

7. At the request of the parties for resolving the issues at hand amicably, the matter was adjourned and directed to be fixed at 01:00 P.M. today. Pursuant thereto, a supplementary affidavit on behalf of the petitioner has been filed, wherein a consensual proposal with the present Office Bearer, and Chairman of Bihar State Bar Council, have been brought to the notice of this Court, wherein, the reduction to 25% of the present nomination fee as proposed by the office bearers of the Bihar State Bar Council and Returning Officer appointed for conducting election of Advocates' Association has uniformly been accepted by the members of Advocates' Association, which have been placed on record through supplementary affidavit, appending with the Memorandum of Understanding respectively, which are reproduced hereunder:

"2. That this affidavit is being filed in light of observation made by the Hon'ble Court vide order dated 26.03.2026, wherein Hon'ble Court pleased to ask proposal from the parties in regard to nomination fee for the different post for office bearers of Advocates' Association P.H.C and in course of hearing all the parties with consent of members of Advocates' Association and present office bearers and Returning Officer and The Chairman of Bihar State Bar



Council it has been accepted by all of the parties that the present nomination fees shall be reduced to 25% as of it was figured in Annexure-P/1.

A copy of consent of members dated 26.03.2026 is annexed herewith as Annexure-P/3.

3. That it is also submitted that no appeal shall be filed against the order passed today in the CWJC no 4393/2026 before this Hon'ble Court or any other Court or forum by this petitioner.”

Memorandum of Understanding

“Today during the course of hearing of C.W.J.C No. 4393/2026 filed by the Petitioner (Saroj Kumar), Adv. In the court of Hon'ble Mr. justice Ajit Kumar an amicable settlement was made amongst the President, Secretary General representing the Association Patna High Court, and Returning Officer Advocates' Sri Anjani Kumar, Sr. Adv. Hon'ble Chairman Bihar State Bar Council Sri Ramakant Sharma and the petitioner (Saroj Kumar) whereby it was mutually agreed that the prescribed fee for purchasing the nomination papers for different posts for the Election of the Advocates' Association scheduled to be held on 17.04. 2026 shall be reduced to 25%, each of the respective post.

It was also mutually agreed amongst the parties concerned that none of the parties will challenge the same before any forum of Law in this regard.”

8. It is worth to note that the MoU is duly Signed by
Chairman, Bihar State Bar Council, Returning Officer, Secretary



General Advocates' Association and President Advocates' Association.

9. In view of the above, since the issues have amicably been settled and general consensus have been arrived between office bearers of the Advocates' Association and as also the Bihar State Bar Council. Therefore, in the considered opinion of this Court, nothing survives for adjudication in the instant writ application.

10. Accordingly, the Chairman, Bihar State Bar Council is required to get the amended/ modified nomination fee in respect of all the posts which is referred in the Annexure-P/1 as per the MoU dated 26.03.2026, for ensuing elections, be notified through the competent body/ person for ensuring fair election by the Returning Officer, who has been authorized to discharge the function of free and fair election under the control of Executive Committee of Bihar State Bar Council, who acts as the Election Commission in such event.

11. With regard to a very serious issue raised by one of the member of Advocates' Association through supplementary affidavit, restraining the candidates for use of handbills/pamphlets during campaign, it is expected that the Returning Officer shall take note of such issue and would



appropriately limit the use and distribution of handbills/ pamphlets being pasted on the walls of Patna High Court, which destroys the conditions of the buildings and as also affects the working of the Advocates, apart from such use of paper being a threat to the environment.

12. In the result, the instant writ application stands disposed of with the aforesaid observations and directions.

(Ajit Kumar, J)

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