

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 349 OF 2026

Janardan s/o Shivmurti Eklahare
Age-73 Years occupation- Advocate,
R/o 46, Opp Sai Enjel School, Vakil Colony,
Tawale Nagar, Chhatrapati Sambhajnagar,
Road, Savedi, Ahilyanagar-414003.
Mob. No. 9511268045

..Petitioner

VERSUS

- 1] The Secretary District Legal Services
Authority, Ahmednagar.
Office at New District Court Building,
DSP Chowk, Nayanagar, Ahmednagar-414001
- 2] Smt. Asha Balu Gondhale
Age- 30 years Occupation- Advocate
R/o. Neelkranti Chowk, Balikshram Road,
Behind Law College, Ahilyanagar-414001.
- 3] Smt. Ashwini @ Vedika Prasad Jarbandi,
Age-30 years Occupation- Household
C/o. Dnyaneshwar Piraji Bijja, Padmanagar
Maldar Road, Sangamner, Dist. Ahilyanagar.
- 4] The Principal District and Sessions Judge
And Chairperson, District Legal Services Authority,
D.S.P Chowk, New Court Building, Ahmednagar-414001.
- 5] Principal Judge,
Family Court, Old Court Building, Nalegaon,
Ahmednagar-414001.
(Respondent No. 4 and 5 are formal parties,
hence notices may not be served)

..Respondents

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Advocate for Petitioner : Mr. J.S. Eklahare

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : JANUARY 17, 2026

FINAL ORDER :-

1. Heard learned advocate appearing for petitioner.

2. The petitioner filed present writ petition with following prayers :

“[B] Issue a writ of Certiorari or any other appropriate writ, order or direction, quashing and setting aside the illegal actions/orders of Respondent No. 1 appointing respondent No. 2 Advocate in place of the petitioner.

[C] Issue of writ of Mandamus directions to the respondent No.1 to restore the petitioner as an Advocate of respondent No. 3 and to act strictly in accordance with law.”

3. The petitioner is a practicing advocate and he has been appointed as panel advocate by District Legal Services Authority, Ahmednagar w.e.f. 26.11.2021. The petitioner was entrusted with Case No. PA/114/2021 during the period from 22.12.2021 to 17.06.2025. According to petitioner, he was actively and diligently representing the party in the matter assigned to him. However, respondent no.1 – District Legal Services Authority without issuing notice and without giving any opportunity of hearing, assigned the matter to another advocate i.e. respondent no.2 in place of petitioner vide Order No.1762/2025 dated 23.06.2025. According to petitioner, respondent no.1 processed unsigned application of respondent no.3 which contained defamatory attributions against him. As such, there is gross violation of principles of natural justice. Although, petitioner raised grievance about unilateral action of respondent no.1, no steps are taken for redressal of his grievance.

4. The petitioner/party in person raised two fold contentions. According to him, if respondent no.3 had any complaint regarding conduct of petitioner/advocate, the action could have been taken only by Committee of State Bar Council as prescribed under Section 35 of Advocates Act, 1961. The respondent no.1 could not have unilaterally withdrawn petitioner's appearance in the case allotted to him and could not have appointed respondent no.2 to represent respondent no.3 without giving opportunity of hearing to petitioner.

5. Having considered submissions advanced by petitioner/party in person and on perusal of record tendered before this Court, apparently, the petitioner is a panel advocate of District Legal Services Authority, Ahmednagar and he was appointed by Order No.1762/2025 to conduct Case No. PA/114/2021 on behalf of respondent no.3. The respondent no.3 made an application dated 18.06.2025 to respondent no.1 seeking change of advocate. She has simply stated that she is not happy with the conduct of her case. The petitioner/advocate being senior/advanced age person could not present himself on the dates and time fixed by Court. Therefore, she requested to appoint a lady advocate to represent her. The aforesaid representation was acted upon and without attributing any misconduct or allegations against the petitioner, respondent no.2 is appointed to represent respondent no.3.

6. This Court finds that appointment of respondent no.2 to represent respondent no.3 in place of petitioner cannot be termed as disciplinary action. In cases, where litigant has problem of compatibility of advocate appointed by Legal Services Authority, there is no bar for the Secretary, Legal Services Authority to take necessary steps and entrust the case to some other panel advocate. In such cases, advocate who is firstly appointed to represent the litigant cannot have vested right to continue to represent the litigant.

7. The Secretary, Legal Services Authority can definitely entertain the grievance of litigant regarding compatibility of advocate appointed and take corrective steps to redress grievance of litigant. In such cases, it is not necessary for the Secretary, Legal Services Authority to hear advocate appointed earlier or obtain his no objection before appointing another panel advocate to represent litigant. Such action on the part of Legal Services Authority can never be treated as disciplinary action or penal action or detrimental to the reputation of advocate appointed earlier for representing litigant. If an advocate is appointed under Legal Aid Scheme to provide free legal services to the beneficiary litigant, no advocate can have lien over the brief entrusted to him. The Legal Services Authority, in appropriate cases, appoint another panel advocate in interest of beneficiary litigant.

8. This Court do not find any merit in writ petition. Hence, writ petition stands rejected.

(S.G. CHAPALGAONKAR, J.)

Mujaheed//