



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

WRIT PETITION NO. 1587 OF 2026

Shirish Milindrao Kamble

VERSUS

Bar Council Of India Thr Its Secretary And Another

Mr. B. R. Kedar, Advocate for petitioner

Mr. J. R. Patil, Advocate for respondent No. 2

**CORAM : Smt. Vibha Kankanwadi &
Hiten S. Venegavkar, JJ.**

DATE : 01st April, 2026

PER COURT :-

1. Present petition has been filed for following reliefs :-

"A. Issue a Writ of Certiorari and/or Mandamus or any other appropriate writ, order or direction, quashing and setting aside the condition of non-refundable nomination deposit of Rs. 1,25,000/- prescribed in the Election Notification dated 22.01.2026 issued by Respondent No.1 – Bar Council of Maharashtra & Goa, as being illegal, arbitrary, ultra vires the Advocates Act, 1961, without jurisdiction, and violative of Articles 14 and 19(1)(g) of the Constitution of India.

B. Declare that continuation and enforcement of the impugned non-refundable nomination deposit of Rs. 1,25,000/- by Respondent No. 1 is illegal and unsustainable in law, particularly in view of the judgment of the Hon'ble High Court of Andhra Pradesh in Andhra Lawyers Association & Ors. v. Bar Council of India & Ors., W.P. Nos. 29216, 30019 & 30063 of 2025 (Common Order);

C. Consequently, direct the Respondents to conduct the elections to the Bar Council of Maharashtra & Goa

strictly in accordance with the Advocates Act, 1961 and the existing State Bar Council Election Rules, without imposing or enforcing the impugned enhanced non-refundable nomination deposit;

D. Direct refund and/or withdrawal of the non-refundable nomination deposit of Rs. 1,25,000/- already paid by the Petitioner and similarly situated advocates, or in the alternative, direct reduction of the same to a reasonable and lawful amount;

E. Issue a Writ of Mandamus directing the Respondents to provide effective and enforceable vertical reservation for O.B.C., S.C. and S.T. advocates in the elections of the Bar Council of Maharashtra & Goa, in consonance with Articles 14, 15, 16 and 38 of the Constitution of India;”

2. Heard learned Advocate, Mr. Kedar for petitioner. Learned Advocate, Mr. Patil appears for respondent No. 2.

3. No necessity to issue notice to respondent No. 1.

4. Learned Advocate for petitioner submits that the petitioner is seeking direction and order for reducing the non refundable fees of nomination i.e., Rs. 1,25,000/- and also seeking direction to implement vertical reservation policy for the Election of State Bar Council of Maharashtra and Goa, 2026. The petitioner who is practicing Advocate is also voter as well as willing to contest the election for the Bar Council of Maharashtra and Goa. The respondent No. 1 issued the election notification on 22.01.2026, for conducting elections of the State Bar

Council wherein condition has been imposed requiring payment of non refundable nomination deposit of Rs. 1,25,000/- as a free condition for filing nomination. Petitioner states that earlier the amount was Rs. 30,000/- which has been abruptly increased. Learned Advocate for the petitioner relies on ***Andhra Lawyers Association and Ors. v. Bar Council of India & Ors.***, Writ Petition No. 29216, 30019 & 30063 of 2025, decided on 05.01.2026, observed that imposing enhancement of a non-refundable nomination deposit without statutory sanction is arbitrary, unjust, unconstitutional and violative of Articles 14 and 19(1)(g) of the Constitution of India. It is also further submitted on behalf of the petitioner that the said condition imposed severe and unreasonable financial barrier, which disproportionately affects young advocates and advocates belonging to Other Backward Classes (for short "**O.B.C.**"), Scheduled Castes (for short "**S.C.**") and Scheduled Tribes (for short "**S.T.**"). The learned Advocate also submits that although the Election Notification dated 22.01.2026, makes a vague and illusory reference to reservation, no effective or enforceable vertical reservation has been provided for O.B.C., S.C., and S.T. advocates, thereby defeating the constitutional guarantees of social justice, adequate representation and substantive equality and also Maharashtra Reservation Act.

5. Here, it is to be noted that already the Hon'ble Supreme

Court was ceased with the matter in the form of ***Universal Dr. Ambedkar Advocates Association v. Union of India and ors.*** in Writ Petition (Civil) No. 6 of 2026 wherein Hon'ble three Judges Bench of the Supreme Court observed that in the said writ petition filed by the petitioner association seeking direction of reservation for the members belonging to S.C., S.T., Communities in the State Bar Councils and Bar Council of India. It has been observed that :-

"2. It is not in dispute that such a reservation can be provided only through an amendment in the statute, for which the State Bar Council of Telangana as well as the Bar Council of India have taken a categorical stand before the High Court that the matter has been taken up with the competent authority and is under active consideration.

3. That being so, we find it difficult to issue a mandamus to provide reservation, especially in the absence of an express provision for the same."

After observing this, taking into consideration the reservation for the women members of the Bar, when already certain directions were given, the said writ petition was disposed of. Therefore, when there is observation by Hon'ble Supreme Court in respect of reservation policy then a propriety requires that this Court was not to make any observation in respect of the same. According to the petitioner, the representation is already made with the respondent No. 2, and we hope that the respondent No. 2 would deal with it in view of the observations

by Hon'ble Supreme Court as aforesaid.

6. As regards the non refundable amount charged by the Bar Council i.e., respondent No. 1 is concerned, that was already before Hon'ble Supreme Court in Transfer Petition (Civil) No. 3577-3590 of 2025 (*Bar Council of India v. Prahlad Sharma and Ors*) decided on 05.02.2026 wherein it has been observed as :-

" This writ petition was filed challenging the levy of a non-refundable election fee of Rs. 1.25 lakhs to be payable by an advocate desirous of contesting the election of the Bar Council. The aforesaid fee has been levied on a pan-India basis, keeping in view the total expenditure likely to be incurred by every State Bar Council. In some of the matters, the precarious financial condition of several State Bar Councils has been explained to us, especially as a result of the impact of the substantial reduction of registration/enrolment fee pursuant to the compliance of the judgment rendered by this Court in Gaurav Kumar v. Union of India & Ors. Passed in W. P. (C) No. 352/2023 on 30.07.2024. It goes without saying that contesting an election is an optional choice of member of the Bar. Failure to levy a reasonable fee towards election expenditure would result in the costs being passed on to members of the Bar, including those who are not interested in participating as candidates. The chilling effect of such an additional burden will ultimately be faced by young lawyers, who have just begun their professional career and who, for no reason attributable to them, will find themselves financially contributing towards the election corpus. Contrary to it, we approve the decision taken by the Bar Council of India to recover such expenditure from those who are contesting the election. If a candidate is serious enough to contest the election, there is no gainsaying that he

must also bear the expenditure for such an election.”

Thereby Hon’ble Supreme Court has approved the decision taken by Bar Council of India to recover last expenditure from those who are contesting the election. Under such circumstance, nothing remains in the present petition.

7. Petition stands dismissed.

(Hiten S. Venegavkar, J.)

(Smt. Vibha Kankanwadi, J.)

B. S. Joshi