

**REPORTABLE**

**IN THE SUPREME COURT OF INDIA**  
**CIVIL ORIGINAL JURISDICTION**  
**TRANSFERRED CASE (CIVIL) NO. 126 OF 2015**

Ajayinder Sangwan and Ors. .... Petitioner(s)

Versus

Bar Council of Delhi & Ors. .... Respondent(s)

**ORDER**

**R.K. Agrawal, J.**

1) A bunch of Interlocutory Applications for clarification/impleadment/direction/intervention/ appropriate orders/modification, in the lead matter, has been filed after the order passed by this Court on 14.12.2017, is being disposed of by this common order.

2) Heard learned counsel for the respective parties.

**IA Nos. 14049, 14055, 14059 and 14062 of 2018**

3) The contention of learned counsel for the applicants is that learned Advocate General for the State of Tamil Nadu, who is *ex-officio* member of the State Bar Council, has written a letter dated 15.01.2018 expressing apprehension on his ability to conduct free and fair elections to the State Bar Council of Tamil Nadu and Puducherry. It was also brought to the attention of this Court the order dated 23.01.2018 passed by a Division Bench of the Madras High Court wherein the court had come to the conclusion for appointment of a neutral committee of retired Judges either of the Supreme Court of India or of the Madras High Court to oversee the election. However, the court did not pass any order as the matter was pending before this Court.

4) In the application for directions filed on behalf of the BCI dated 23.01.2018, it has been stated that the Tribunal/Committees have been constituted to oversee the elections to be held by the respective State Bar Councils. So far as the elections to be held for the Bar Council to the State of Tamil Nadu and Puducherry is concerned, the Committee constituted by the BCI consists of the following persons,

namely, Hon'ble Mr. Justice V.K. Gupta, former Chief Justice of the Jharkhand High Court, Hon'ble Mr. Justice T. Sudanthiram, former Judge, Madras High Court and Hon'ble Mr. Justice V.D. Gyani, former Judge, Madhya Pradesh High Court. The aforementioned Committee has been entrusted to look into the affairs of the elections to the State Bar Council of Tamil Nadu and Puducherry. The Committee consists of retired Chief Justice/Judges of various High Courts and we do not find any good ground to constitute any another Committee in its place.

5) For the reasons mentioned above, the interlocutory applications are accordingly dismissed.

**IA Nos. 9727 and 7520 of 2018**

6) By these two applications, the applicants, who are practicing advocates in the State of Kerala seek impleadment as also modification of the election schedule finalized by the BCI.

7) In view of the application for directions filed on behalf of the BCI on 23.01.2018, the election schedule for the State of Kerala has been fixed and the date of election is notified as

25.03.2018. Learned counsel appearing for the applicants contended that the day of election though being Sunday, is a festival day celebrated in the State and therefore, it would not be possible for the majority of the voters to cast their vote. A request was made to pre-pone the date of election from 25.03.2018 to 18.03.2018.

8) Considering the special facts and circumstances of the case, we pre-pone the date of election for Bar Council of Kerala from 25.03.2018 to 18.03.2018, however, rest of the election schedule, as finalized by the BCI, will remain the same. The applications are disposed of accordingly.

**IA Nos. 11955 and 11959 of 2018**

9) By the above two applications, the applicants seek a direction to the BCI and the Bar Council of Maharashtra & Goa to permit the advocates of these States, who are on the electoral rolls, to cast their vote at New Delhi. Further, all the applicants hail from Maharashtra and Goa and have settled in Delhi for the purpose of legal practice. A reference has been invited to the Resolution passed by the BCI wherein the BCI has requested learned Secretary General of this Court to

consider providing sufficient space to enable the advocates who are registered with different State Bar Councils and are on the electoral lists of the respective State Bar Councils to cast their votes at New Delhi itself. However, no response has been received by the BCI so far.

10) Owing to the election schedule having already been finalized, we do not find any ground to permit the applicants or the advocates who are practicing at New Delhi to cast their votes at New Delhi instead of their respective States.

**IA No. 12811 of 2018**

11) The present application has been filed by the Bar Council of Rajasthan seeking rescheduling of the date of election from 28.03.2018 to 05.04.2018 on the ground that the Rajasthan High Court has holidays from 24.03.2018 to 01.04.2018 and all the members who are practicing in the High Court would not be able to exercise their franchise owing to holidays in the Court. We do not find any good ground to defer the date of election on the pretext of holidays as it would not be proper for us to reschedule the election which has already been fixed for 28.03.2018. The application is, therefore, rejected.

**IA No. 14854 of 2018**

12) By means of present application, the applicant, who is enrolled as an advocate with the Bar Council of Delhi, seeks a direction to the effect that his name be included in the electoral list for the reason that he had submitted all the requisite documents within time. However, we find that the applicant had not provided the copies of the original documents as a result of which his name was not included in the electoral roll.

13) We have given our thoughtful consideration to the plea raised by the applicant. In our view, no ground has been made out for directing the Bar Council of Delhi to include the name of the applicant in the electoral roll. The application is rejected accordingly.

**IA No. 13749 of 2018**

14) By means of this application, the applicant, who is practicing as an advocate and is enrolled with the Bar Council of Andhra Pradesh seeks a direction to conduct elections and direct the Andhra Pradesh Bar Council and Telangana State

Bar Council to conduct election as per the scheduled declared by this Court.

15) In the application for directions filed on behalf of the Bar Council of India dated 23.01.2018, we find that the election schedule for the State of Andhra Pradesh has been fixed by the BCI, however, there is no mention of the election schedule for the State of Telangana. It appears that the Bar Council of Telangana has not yet come into existence and therefore, the election in the State Bar Council of Telangana has not been fixed.

16) In view of the above, in the present facts and circumstances, we do not find any reason to direct the BCI to hold election for the State Bar Council of Telangana. The application is rejected.

.....J.  
**(R.K. AGRAWAL)**

.....J.  
**(ABHAY MANOHAR SAPRE)**

NEW DELHI;  
FEBRUARY 5, 2018.