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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2493/2021 & CM APPL. 7319/2021**
BAR COUNCIL OF UTTAR PRADESH
AND ANR.

..... Petitioners

Through: Ms. Meenakshi Arora, Sr. Advocate
with Mr. Saurabh Soni, Mr.
Swetashwa Aggarwal, Mr. Rajiv
Bajaj, Ms. Mannat Singh, Mr. Shishir
Prakash & Ms. Karuna Krishan
Thareja, Advocates (M-9599248485)

versus

BAR COUNCIL OF INDIA AND ORS. Respondents

Through: Mr. Preet Pal Singh & Mr. Saurabh
Sharma, Advocate for BCI.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **27.04.2021**

1. This hearing has been done through video conferencing.
2. In the present writ petition, Petitioner No. 1 - The Bar Council of Uttar Pradesh (hereinafter, "BCUP") is aggrieved by two resolutions of the Bar Council of India (hereinafter, "BCI") dated 19th January, 2021 and 2nd February, 2021 by which a nine-member committee had been appointed to look after the activities of the BCUP and a three-member committee had been appointed for conducting its elections. The main grievance of the BCUP is that the BCI ought not to interfere in the day-to-day workings of the State Bar Councils.
3. On 3rd March, 2021 the Chairman of the BCD had appeared in person and submitted that under Section 48B of the Advocates Act, 1961, the BCI has power to give directions to State Bar Councils. In exercise of the said

power, the impugned directions were given.

4. Thereafter, the BCI had submitted that an attempt would be made to amicably resolve the disputes. A meeting was, accordingly, scheduled on 15th March, 2021. On 9th April, 2021, it was submitted on behalf of the Petitioner that the amicable resolution has been arrived at in the following terms.

“2. Ms. Meenakshi Arora, Id. Senior Counsel appearing for the Petitioner submits that a meeting was held with the Bar Council of India (hereinafter, ‘BCI’) on 15th March, 2021, resulting in an amicable resolution. The BCI is stated to have agreed to withdraw its letters and the Bar Council of Uttar Pradesh has agreed to take back its remarks in respect of BCI.

3. Ld. Senior Counsel submits that vide resolution dated 6th April, 2021, the Petitioner has already expunged the adverse remarks against the BCI.”

5. Thus, pursuant to the amicable resolution, the Petitioner had already confirmed that it has expunged the adverse remarks against the BCI. Thereafter, today, it is submitted on behalf of the BCI that it is agreed not to insist the enforcement of its orders dated 19th January, 2021 and 2nd February, 2021, which were the letters impugned in this petition. Further it is submitted that the BCUP ought to conduct its activities strictly in accordance with the provisions of the Advocates Act, 1961, BCI Rules and applicable Regulations.

6. An issue has been raised in respect of the post of Member Secretary, BCUP. On this aspect, Id. counsel for the BCI submits that the Member Secretary ought to be appointed in terms of the applicable

Rules/Regulations. In view of this stand, since the Executive Committee of the BCUP is already functioning, it is directed that the Member Secretary shall now be appointed by the said Executive Committee in accordance with law.

7. BCUP shall also abide by the order dated 22nd June, 2020 passed by the Allahabad High Court in **W.P.(C). No. 9921/2020** titled **Mr. Hari Shankar Singh v. Bar Council of Uttar Pradesh & Anr.** and appoint the Member Secretary in accordance with its Rules and Regulations. The order of the High Court of Allahabad reads as under:

“Heard Sri Shikhar Awasthi learned counsel for the petitioner.

Having perused the prayer made in the writ petition, we are of the considered view that the petitioner who is the Chairman of the Bar Council of Uttar Pradesh has no locus to challenge the proposal passed by the majority in the meeting of the Bar Council of Uttar Pradesh held on 21.05.2020.

On a pointed query made by the Court, learned counsel for the petitioner admits that the petitioner had participated in the said meeting and his objections have been overruled by the majority.

Moreover, there is no bar in the selection of an elected member of the Bar Council of Uttar Pradesh to the post of Member Secretary of the Bar Council. No such rule could be placed before the Court.

In our opinion the petitioner has no locus to maintain the writ petition and moreover in absence of any express or implied bar in the rules relating to the selection, he cannot maintain the challenge to the selection of respondent No.2.

The writ petition is, accordingly, dismissed on both counts.”

8. Further, if there are no Rules framed for the purposes of appointment

of Member Secretary, steps shall be taken by the Petitioner within a reasonable period, in accordance with law, to frame such rules.

9. The petition is disposed of in the above terms. The questions of law raised in this petition are left open. All pending applications are also disposed of.

PRATHIBA M. SINGH, J.

APRIL 27, 2021

Rahul/Sp