



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 41388 of 2025

Dinesh Kumar Shukla

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Deepak Kumar, Mahesh Kumar Sahu
Counsel for Respondent(s)	:	Ashok Kumar Tiwari, C.S.C., Sai Girdhar, Vipul Pandey

Court No. - 35
(Sl.No.33)

HON'BLE ATUL SREEDHARAN, J.
HON'BLE ANISH KUMAR GUPTA, J.

1. Heard Sri Prabhakar Awasthi, learned Senior Advocate assisted by Sri Mahesh Kumar Sahu, learned counsel for the petitioner, Sri Ashok Kumar Tiwari along with Sri Sai Giridhar, learned counsel for High Court Bar Association, Sri Vipul Pandey, learned counsel for respondent no.5, Elders Committee, Kanpur Bar Association, Smt. Kritika Singh as well Smt. Priyanka Midha, learned Additional Chief Standing Counsel, and Sri Manoj Kumar Mishra, learned Standing Counsel for the State - respondents.

2. The present petition has been filed by the petitioner Rama Nand Srivastava, who is a practicing Advocate enrolled with the Bar Council of U.P. and is the member of Kanpur Bar Association and had also been the General Secretary and President of The Lawyers Association.

3. Learned counsel for the petitioner says that the petitioner is the prospective candidate for the post of President in the forthcoming 2025-26 Kanpur Bar Association election. His

grievance is that the respondent no.2, Bar Council of India has issued an order to the respondent no.3, who thereafter has given a direction to all Bar Associations in the State of Uttar Pradesh not to hold or notify elections to any Bar Association from the period commencing 15th November 2025 to February 2026. The said impugned order is at page number 17 to the petition which is dated 25.10.2025 which reflects that the temporary embargo has been made essential in order to ensure that the electoral process of the Uttar Pradesh Bar Council proceeds without distraction or conflicting schedules of proposed Bar Association elections during the same time.

4. During the previous hearings, this Court had enquired from the parties with regard to the subject matter of the petition and the Court was informed by the learned counsel for the State Bar Council that an identical petition raising the same points is pending before the Supreme Court in **Vijay Pal Singh Tomar vs. Bar Council of India (W.P. (Civil) No. 1066 of 2025)**. On account of the pendency of the aforementioned writ petition, this Court had kept this matter for consideration today as the matter was listed before the Supreme Supreme Court on 5.12.2025. Today an order of 5.12.2025 has been placed before this Court which reflects that the aforementioned writ petition filed by Vijay Pal Singh Tomar has been disposed of by giving the petitioner and other members of the Mathura Bar to join main proceedings pending before this Court. Upon enquiry as to which is the main proceeding before the Apex Court, learned counsel for the respondent no.3, Bar Council of Uttar Pradesh has informed this Court that the main petition is **W.P. (Civil) No. 1319 of 2023 (M. Vardhan vs. Union of India and another)**.

5. Learned counsel for the respondent no.3 has also placed an order of the Hon'ble Supreme Court dated 18.11.2025 and the very first paragraph of the said order reflects that the batch of matters pending before the Supreme Court in M. Vardan vs. Union of India and another relates to the controversy revolving

around fair, transparent and timely conduct of elections for the State Bar Council and not the elections to the Bar Associations of the district. It does not appear to be a subject matter in the aforementioned case pending before the Apex Court as the elections to the District Bar Associations are all governed by their own bye laws.

6. In this regard learned counsel for the respondent no.2, the Bar Council of India who is also present before this court was asked under what authority or provision of law the direction was given to ask the State Bar Council to place an embargo on the elections of the District Bar Associations, learned counsel for the Bar Council of India has drawn the attention of this Court to section 7 (g) of the Advocates Act, which provides that the Bar Council of India can exercise general supervision and control over the State Bar Councils. Section 48-B of the said Act which empowers the Bar Council of India in the exercise of its powers of general supervision of control to give such directions to the State Bar Council as may appear to be necessary and that the State Bar Council shall comply with such directions. Under the circumstances, learned counsel for the respondent no.3 has submitted that upon receiving the said letter mentioned herein above from the Bar Council of India, the State Bar Council has issued the said directive to all the Bar Associations in the state not to hold their elections between the aforementioned period.

7. Upon being asked specifically as to where the power or authority is vested in the State Bar Council to issue such directions to the district Bar Association, learned counsel for the respondent no.2 mentions that the same arises from model bye laws of the Bar Associations of UP. and then this is under what authority is it binding and on what basis and what authority which makes it mandatory for the Bar Associations to run as per the said bye laws failing which their affiliation to the Bar Council may be terminated.

8. Under the circumstances, this Court is of the opinion that the Bar Council of India did not have the authority control or regulate the elections of Bar Association, which are governed by their own bye laws. They had the authority to issue the said letter to the State Bar Council but the State Bar Council had no authority under the existing law to pass a direction to the Bar Associations of the state to withhold their elections for the aforementioned period.

9. Under the circumstances, the State Bar Council notwithstanding that they are not possessed any authority of a statute or the rules, to regulate or control the election of the Bar Association, therefore, the instant petition is **disposed of** and the Bar association concerned is permitted to hold its elections strictly in accordance with its Byelaws. However, since the elections of the State Bar Council have also been notified, therefore, while notifying the schedule for elections of Bar Associations, they shall ensure that there is no clash between the election schedule of the Bar Council of U.P. and Bar Association and there must be a gap ten day between the both elections.

**December 8,
2025**

Ashish Pd.

(Anish Kumar Gupta,J.) (Atul Sreedharan,J.)