

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).19804-19805/2024

[Arising out of impugned final judgment and order dated 08-08-2024 in WRITC No.1645/2024 08-08-2024 in PIL No. 350/2024 passed by the High Court of Judicature at Allahabad, Lucknow Bench]

FAIZABAD BAR ASSOCIATION

Petitioner(s)

VERSUS

BAR COUNCIL OF UTTAR PRADESH & ORS.

Respondent(s)

(FOR ADMISSION and IA No.192002/2024-EXEMPTION FROM FILING O.T.)

Date : 20-12-2024 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. Kumar Murlidhar, AOR
Mr. Atul Verma, Adv.
Mr. Adarsh Pandey, Adv.

For Respondent(s) Mr. Siddhartha Iyer, AOR
Mr. Rajat Khattri, Adv.
Mr. Chhatresh Kumar Sahu, Adv.

Mr. Abhay Kumar, AOR
Mr. Shagun Ruhil, Adv.
Mr. Saurabh Mishra, Adv.
Mr. Karan Chopra, Adv.

Ms. Ila Shikhar Sheel, AOR

Mr. K. Parameshwar, Sr. Adv.
Mr. Ravi Raghunath, AOR

Mr. Vijay Hansaria, Sr. Adv.
Mr. Jayesh K. Unnikrishnan, AOR
Ms. Kavya Jhavar, Adv.
Ms. Nandini Rai, Adv.
Ms. Sasmita Tripathy, Adv.
Mrs. Anjali Garg, Adv.

Mr. K. Parameshwar, Sr. Adv.
Mr. Ravi Raghunath, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. Heard learned senior counsel/counsel, who are present, at a considerable length.
2. Learned counsel representing the Elders Committee has handed over a copy of memo dated 19.12.2024, according to which, the elections of office bearers of the Faizabad Bar Association were conducted on 18.12.2024 and certificate of having been elected have been issued to all the elected office bearers on 19.12.2024. A copy of the above-stated memo is taken on record.
3. Since a new Governing Body of the Bar Association has now been constituted, the said Governing Body shall take over the affairs of the Bar Association in accordance with Rules and Policies. However, the newly elected office bearers shall be bound by the undertaking given by the previous office bearers to the effect that the Bar Association shall not pass any resolution and shall not endorse any resolution to abstain from work and shall not resort to any 'strike' on the Court working days. In case any such incident happens, the High Court is requested to take *suo moto* cognizance and initiate penal action against the entire Governing Body of the Bar. The High Court, through the Portfolio Judge, will take most stringent action, that may include removal of the elected office bearers.
4. At this stage, learned counsel for the respondents has cited the Rules of the "Faizabad Bar Association, Ayodhya", which had been formulated at the time of its registration as a Society. Rule 8 provides for constitution of an Elders Committee consisting of

five senior members of the Association, who are actively practicing in the Court at Faizabad Headquarter. Rule 8(c) provides that the Elders Committee shall be constituted by the Executive Committee of the Bar Association for a period of two years, subject to approval of the General Body.

5. Learned counsel for the respondent-Elders Committee points out that after the expiry of the tenure of the elected office bearers and when their claim for continuation as office bearers was pending before the High Court, the respondent-Elders Committee was constituted by the High Court through a judicial order. The said Elders Committee was entrusted the responsibility to look after the day-to-day affairs of the Bar Association as well as to conduct the fresh elections, which have eventually been completed on 19.12.2024.

6. In this backdrop, learned counsel seeks appropriate directions for the continuation of the Elders Committee for the prescribed tenure of two years.

7. We have considered the submissions.

8. At the outset, we acknowledge and appreciate the commendable work done by the Elders Committee in conducting the election peacefully and seamlessly. From the composition, it is apparent that all of them are very senior members of the District Bar. Since the Elders Committee was constituted under the orders of the High Court, we deem it appropriate to issue the following directions:-

(i) The Elders Committee may move an application before the High Court in the matter which already stands decided, seeking appropriate directions from the High Court as to whether the

present Elders Committee is to continue for the prescribed period of two years or it is required to re-constitute strictly as per the Rules.

(ii) The Elders Committee may move such an application before the High Court within two weeks. Till such time, the High Court takes an appropriate decision on that application, the present Elders Committee shall continue to discharge its responsibility.

9. The directions issued hereinabove to the newly elected office bearers of the Bar Association of Faizabad restraining them not to pass any resolution for abstaining from work or declaring strike on a working day, shall apply *mutatis mutandis* to all the District Bar Associations in the State of Uttar Pradesh. The Chief Justice of the High Court is requested to constitute a Committee of at least three Judges to monitor the situation, and wherever it is found that a Bar Association is in defiance of these directions, a swift action for removal of the elected office bearers be taken forthwith. No leniency or discretion in this regard shall be exercised by the High Court Committee. The directions contained in paragraphs 3 and 8 above are being issued invoking our powers under Article 142 of the Constitution so as to do complete justice to the Consumers of Justice.

10. As regard to the outgoing office bearers of the Faizabad Bar Association, we declare that they shall be deemed to have continued as office bearers of the Bar Association till 18.12.2024. If so required, a certificate to this effect shall be issued by the Elders Committee of the Bar Association.

11. The special leave petitions are, accordingly, disposed of.

12. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR