

Court No. - 2

Case :- WRIT - C No. - 10135 of 2023

Petitioner :- The Elders Committie , Central Bar Association, Raebareli Thru. Its Chairman And Others

Respondent :- The Bar Council Of U.P. Lko. Thru. Its Secy. And Others

Counsel for Petitioner :- Pankaj Kumar,Rishabh Tripathi

Counsel for Respondent :- Subhash Chandra Pandey,Neeraj Pandey

along with

Case :- WRIT - C No. - 11092 of 2023

Petitioner :- The Elders Committee Central Bar Association Civil Court, Raebareli Thru. Chairman And Others

Respondent :- The Bar Council Of U.P. Allahabad Thru. Secy. And Others

Counsel for Petitioner :- Rishabh Tripathi,Pankaj Kumar

Counsel for Respondent :- Subhash Chandra Pandey,Anand Mani Tripathi,Lalit Kishore Tiwari,Neeraj Pandey,P.R.S. Bajpai

along with

Case :- WRIT - C No. - 964 of 2025

Petitioner :- Anand Kumar Dixit And Another

Respondent :- Bar Council U.P. Thru. Secy. And 5 Others

Counsel for Petitioner :- Amit Tripathi

Counsel for Respondent :- Subhash Chandra Pandey

Hon'ble Rajan Roy,J.

Hon'ble Om Prakash Shukla,J.

Heard.

On 16.12.2023, we had passed the following order in Writ- C No.11092 of 2023:-

"1. There is a dispute with regard to election of the Central Bar Association, Raebareli.

2. Earlier a Writ C No.10135 of 2023 (The Elders Committee, Central Bar Association, Raebareli Vs. The Bar Council of U.P. and others) filed before this Court in which following order was passed on 30.11.2023 :-

"1. Power filed today by Sri Neeraj Pandey on behalf of respondent nos.2 to 4 is taken on record. He has also filed an application for dismissal of writ petition along with short counter affidavit today on behalf of respondent no.3, which is taken on record. An affidavit of service and a supplementary affidavit filed today on behalf of petitioners are also taken on record.

2. A joint statement is given on behalf of petitioners as well as on behalf of

respondent nos.2, 3 and 4 that election will not be held, as is proposed by the respondents on 2.12.2023 and both the parties shall mutually make an attempt to settle the dispute in the Central Bar Association, Civil Court, Raebareli and for that purpose, they pray for a short adjournment.

3. On joint request, list/put up on 07.12.2023 in additional cause list amongst top ten cases."

3. Thereafter, in the aforesaid writ petition, on 07.12.2023 following order was passed:-

" Learned counsels for both the parties submit that there is a likelihood of settlement of dispute in between the parties and therefore, they seek short adjournment of the case.

On the joint request of learned counsels for the parties, list/put up this matter on 12-12-2023, within the top ten cases of the list."

4. Thereafter, the aforesaid case could not be taken up on 12.12.2023.

5. Now, learned counsel for petitioner informs the Court that the election for Central Bar Association, Raebareli is declared by respondent nos.2 to 9 for 16.12.2023 and counting of votes is scheduled on 17.12.2023.

6. Learned counsel for petitioner states that no settlement between the parties has taken place and in the given circumstances, it was incumbent upon the respondent to approach this Court to seek permission for holding election as the matter was pending for settlement.

7. Mr. Subhash Chandra Pandey, learned counsel for the Bar Association states that this Court is ceased with the matter and assurance was given that the matter would be settled between the parties and any election should have taken place only after due information to this Court.

8. In the said circumstances, election notified by communication dated 13.12.2023 including voting and counting of votes shall remain stayed till further orders.

9. Issue notice to respondent nos.2 to 9 returnable at an early date.

10. List this case in the third week of January, 2024 along with Writ C No.10135 of 2023.

10. The Senior Registrar shall communicate this order to District Judge, Raebareli through fax today only, who shall communicate it to the respondents forthwith."

Apparently, this Court had passed the order aforesaid for putting the election process in abeyance. However, before this order could be communicated, the election, as informed, were already held on 16.12.2023 itself i.e. the very day on which the order was passed, but the counting of votes did not take place and has not taken place till date because of the aforesaid interim order. Faced with this scenario, all the learned counsel for the parties appearing in the respective writ petitions, which are

listed before us today, expressed their opinion that fresh elections be ordered to be held under the new Elders Committee to be constituted by this Court.

In compliance of our earlier order, we have received a report of the District Judge, Raebareli, dated 06.03.2025, which mentions that out of the senior members of the Central Bar Association, Raebareli, whose names figured in the list contained as Annexure No. CA-16 referred in our earlier order, respondent Nos. 1, 3, 4, 7, 13 and 15 are not willing to be part of the Elders Committee for various reasons. Shri Ravindra Bahadur Singh at serial no.2 is not present today. The other senior members are present today and based on their seniority, we are of the opinion that Shri Maanu Pratap Singh, Shri Shankar Lal Gupta, Shri Ram Bahadur Singh Chauhan, Shri Satyendra Bahadur Singh and Shri D.P. Pal, whose names figure at serial Nos.5, 6, 8, 9 and 10 can be made members of the Elders Committee to manage the said Bar Association and hold the elections.

We have interacted with the senior members of the Central Bar Association, Raebareli including the aforesaid who are present today and they later have expressed their willingness to be part of the Elder Committee.

Accordingly, we constitute the Elders Committee for the aforesaid purpose as under:-

- "1. Shri Maanu Pratap Singh, (Chairman)*
- 2. Shri Shankar Lal Gupta, (Member)*
- 3. Shri Ram Bahadur Singh Chauhan, (Member)*
- 4. Shri Satyendra Bahadur Singh, (Member) and,*
- 5. Shri D.P. Pal, (Member)."*

Shri Maanu Pratap Singh, the senior most member in the Elders Committee shall be its Chairman. The Elders Committee shall now proceed to initiate the process of election. The election shall be held keeping in mind our judgment dated **22.05.2023** rendered in **Writ- C No.3531 of 2023** and connected matters in relation to elections to the Central Bar Association, Lucknow and the relevant bye-laws or rules of the Bar Council as applicable. The Certificate of Practice and Place of Practice (Verification) Rules, 2015 shall be adhered and followed strictly. The principle of "One Vote, One Bar Association" shall also be followed strictly. The embargo of two years on voting rights as contained in the bye-laws of the Central Bar Association, Raebareli shall also be adhered strictly.

As and when such election is to be held, the District Judge, Raebareli shall make a request to the Superintendent of Police, Raebareli for making adequate security arrangements for ensuring free and fair elections to the Managing Committee/ Governing body of the Central Bar Association, Raebareli and the Superintendent of Police, Raebareli shall provide adequate security and make such arrangements promptly and effectively.

If the Elders Committee finds any difficulty in proceeding with the elections, it shall be open to it to move an application in these very proceedings and if any such application is filed, the same shall be listed before the Court on the third working day.

We have passed this order considering the fact that the Central Bar Association, Raebareli is a Court annexed Bar and in exceptional circumstances, we do entertain such petitions so as to ensure fair and proper elections to its Managing Committee as ultimately in the absence of fair and proper elections, the functioning of the Courts concerned and dispensation of justice can also get affected on account of unrest amongst the members of Bar Associations, concerned.

We expect the elections process to be concluded at the earliest, but positively within next two months.

In the meantime, the Elders Committee shall manage the affairs of the Central Bar Association, Raebareli and perform all duties, which would otherwise be performed by an elected Managing Committee.

If any candidate who has already contested the elections again files his nomination, then the formalities already completed by him, except those which would necessarily be required to be completed afresh, would not be required to be completed by him.

Those candidates who had filed the nomination etc. in the earlier process, but do not wish to contest this time, may seek refund of money, if any, paid by them.

All the petitions are **disposed of** in the aforesaid terms.

(Om Prakash Shukla,J.) (Rajan Roy,J.)

Order Date :- 20.3.2025/Gurpreet Singh