



RAJASTHAN HIGH COURT
HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Writ Petition No. 16519/2024

Shyam Bihari S/o Sh. Pramanand & Others

----Petitioners

Versus

Bar Council Of India & Another

----Respondents

For Petitioner(s) : Mr. Sunil Samdaria, Adv.
For Respondent(s) : -

HON'BLE THE CHIEF JUSTICE MR. MANINDRA MOHAN SHRIVASTAVA
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

22/10/2024

Heard.

Issue notice to the respondents on admission as well as on prayer for stay on payment of P.F. within one week by both mode i.e. ordinary mode as well as by registered post.

Notices are made returnable within two weeks.

In addition, Dasti is also permissible on submission of additional P.F. and notice.

Learned counsel for the petitioners submit that provision contained in Rule 32 of Bar Council of India Certificate and Place of Practice (Verification) Rule, 2015 (for short 'Rules of 2015') to the extent it provides for extension of term of the elected office of Bar Council beyond the maximum period as prescribed under Section 8 of the Advocates Act, 1961 (for short 'the Act') is ultra vires enabling act and void ab initio. He would submit that once the elections are not held within the maximum period as prescribed under Section 8 of the Act, the only course open under



the law is to constitute a special committee as provided under Section 8(A) of the Act. By framing Rule 32 of Rules of 2015, to the extent of providing extension of membership beyond period prescribed under Section 8 of the Act, the Bar Council of India has acted in exercise of its jurisdiction and authority conferred under the law. He, therefore, prays for an interim order to restrain the elected members whose term has come to an end from performing their functions as members of the Bar Council.

We are inclined to consider the aforesaid aspect of the matter and prayer for interim relief on the next date of hearing. Respondent No.1 shall respond to the submission as above as to how in exercise of rule making power, a rule could be framed in violation of the provisions contained in the parent statute seeking to extend the term of the office of the members beyond maximum period prescribed under the enabling Act.

List this case on 14.11.2024.

(ASHUTOSH KUMAR),J

(MANINDRA MOHAN SHRIVASTAVA),CJ

A.Arora/Mohita/20