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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3466/2020 & CM APPL. 12285/2020**

HARI SHANKAR SINGH Petitioner
Through Mr.S.R. Singh, Sr. Adv. with
Mr.Ankur Prakash, Mr.Sudhir
Naagar, Mr.Mohd. Saquib Siddiqui,
Mr.Amod Kr. Bidhuri, Ms.Priyanka
Singh and Ms.Shagun Thakur, Advs.

versus

BAR COUNCIL OF INDIA & ANR. Respondents
Through Mr.Preetpal Singh and Mr.Saurabh
Sharma, Advs.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
% 18.06.2020

This hearing has been held through video conferencing.

1. Issue notice. Notice is accepted by Mr.Preetpal Singh, Advocate on behalf of the respondents. He prays for and is granted four weeks time to file counter affidavit. Rejoinder thereto, if any, be filed within two weeks thereafter.
2. It is the case of the petitioner that the Impugned Order dated 15.05.2020 has been passed by the respondent no.2 without any authorization from the respondent no.1. Even otherwise, the respondent no.1 does not have the jurisdiction to pass an order removing/restraining the Chairman of the State Bar Council from acting in that capacity.

3. The learned senior counsel for the petitioner submits that the general power of issuance of directions as contained in Section 48-B of the Advocates Act, 1961 does not extend to restricting the Chairman of the State Bar Council from discharging his duties.

4. On the other hand, the learned counsel for the respondents submits that such power is vested in the respondents under Section 7(1)(d) and 7(1)(g) of the Act and Rule 12(D)(18), Part II of the Bar Council of India Rules. He submits that in any case, the term of the petitioner as Chairman of the Bar Council of Uttar Pradesh has come to an end as on 08.06.2020. He submits that fresh elections have been called for the Bar Council of Uttar Pradesh and are now scheduled to be held on 05.07.2020. He further submits that the decision of the respondent no.2 has been ratified by the respondent no.1 in its meeting held on 17.05.2020. He submits that the complaint against the petitioner has been made by 13 out of 24 members of the Bar Council of Uttar Pradesh and are of serious nature. Referring to the order dated 04.06.2020 passed by the Supreme Court in WP(C) 497/2020, ***Hari Shankar Singh v. Bar Council of India & Anr.***, he submits that the Supreme Court had also declined to entertain the petition filed by the petitioner as the remedy for the petitioner would be to approach the Bar Council of India for vacating the Impugned Order. He submits that in a Resolution passed on 17.06.2020 the petitioner has been granted time till 30.06.2020 to file a reply to the allegations made against him. He submits that the copy of the complaint and all the relevant documents have also been supplied to the petitioner by way of an email sent to the petitioner earlier today.

5. Having considered the submissions made by the learned counsels for

the parties, in my opinion, as the elections for the Bar Council of Uttar Pradesh have been scheduled on 05.07.2020, no case for passing an interim order for protection is made out at this stage. The petitioner shall be at liberty to file his response to the allegations made, as contained in the Impugned Order dated 15.05.2020, with the respondent no.1. In case any such reply/representation is made by the petitioner, the Bar Council of India is directed to consider the same expeditiously and in any case within a period of two weeks from the receipt thereof and pass a Speaking Order thereon.

6. Needless to say, if the petitioner is aggrieved of such order, it shall always be open to the petitioner to challenge the same in accordance with law.

7. List on 3rd September, 2020.

NAVIN CHAWLA, J

JUNE 18, 2020/ARYA