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WP-18312-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SANJEEV SACHDEVA,
ACTING CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE VINAY SARAF

ON THE 19th OF JUNE, 2025

WRIT PETITION No. 18312 of 2025

BAR ASSOCIATION SIDHI

Versus

STATE BAR COUNCIL OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Vivek Shukla - Advocate for the petitioner.

Shri Satyam Agrawal - Advocate for the respondent No.1.

Shri Hitendra Gohlani - Advocate for intervenor.

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WITH

WRIT PETITION No. 9914 of 2023

BAR ASSOCIATION SIDHI DISTRICT SIDHI

Versus

STATE BAR COUNCIL OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Vivek Shukla - Advocate for the petitioner.

Shri Satyam Agrawal - Advocate for the respondent No.1.

Shri Hitendra Gohlani - Advocate for intervenor.

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WRIT PETITION No. 13784 of 2025

BAR ASSOCIATION SIDHI DISTRICT SIDHI

Versus

STATE BAR COUNCIL OF MADHYA PRADESH AND OTHERS



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Appearance:

Shri Vivek Shukla - Advocate for the petitioner.

Shri Satyam Agrawal - Advocate for the respondent No.1.

Shri Hitendra Gohlani - Advocate for intervenor.

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ORDER

Per. Sanjeev Sachdeva, Acting Chief Justice

All these petitions raise a legal question with regard to the role of the State Bar Council in the conduct of the elections by the respective Bar Associations as also the power of the State Bar Council to appoint adhoc committee to oversee and conduct the elections.

2. WP No.9914/2023 was filed by the Bar Association, Sidhi impugning a decision of the State Bar Council dated 24.04.2023 when it had appointed an adhoc committee for conduct of the State Bar Association for the period 2023-2025. An interim order was passed on 01.05.2025 staying the resolution of the State Bar Council and pursuant thereto election was held. We are informed that terms of the executives appointed for the term 2023-2025 is already over on 12.05.2025.

3. WP No.13784/2025 and WP No.18312/2025 pertain to a similar resolution passed by the State Bar Council appointing a committee to conduct the elections for the term 2025-2027. Since Writ Petition No.9914/2023 was filed in respect of the election to be held for the term 2023-2025 and the election was held pursuant to an interim order and the term of the committee is already over. We are of the view that nothing survives in the said petition, the petition is accordingly disposed of leaving the question of law raised open.



4. In WP No.13784/2025 Bar Association impugns orders dated 10.04.2025 and 11.04.2025 whereby inter-alia State Bar Council appointed an appeal committee and appeal committee issued certain directions for conduct of the election of the Bar Association. By order dated 21.04.2025, a coordinate bench of this Court stayed the directions issued by the State Bar Council as well as the appeal committee. The term of the Executive Committee is over, there is no quarrel with the proposition that elections of the new committee have to be undertaken. Only question that arises is as to the powers of the State Bar Council to appoint a committee to oversee election of the Bar Association. In WP No. 18312/2025, Bar Association impugns order dated 27.04.2025 of the Appeal Committee whereby certain directions were issued with regard to the conduct of the election.

5. The other question that arises is factual with regard to an intervention application filed by a Member of the Bar Association who contends that the electoral roll has not been correctly prepared and objections raised by the members to the electoral roll have not been correctly disposed of.

6. With a view to find out an amicable solution to the issues arising and to ensure that fair and transparent election of the Bar Association is held, we directed the erstwhile executive committee of the Bar Association, the State Bar Council as well as the intervenor to give certain suggestions. The President and the Secretary of the State Bar Association are personally present.

7. With the consent of the parties, the petitions are disposed of in the



following terms :

(i) *Orders passed by the State Bar Council and the Appeal Committee of the Bar Council dated 10.04.2024, 11.04.2024 and 27.04.2025 appointing an adhoc committee to oversee the election are set aside with the consent of the parties including the State Bar Council.*

(ii) *The election schedule circulated by the Bar Association and other notices issued are also set aside with the consent of the parties.*

(iii) *Mr. Shailendra Verma, Member of the State Bar Council of Madhya Pradesh is appointed as a court observer to oversee the conduct of elections of the Bar Association.*

(iv) *The election shall strictly be conducted in accordance with the judgment of the Supreme Court in the case of **Supreme Court Bar Association Vs. B.D. Kaushik** (2011) 13 SCC 774.*

(v) *State Bar Council shall provide a fresh list of valid practicing advocates eligible to vote for the election in the Bar Association Sidhi District within a period of one week from today.*

(vi) *Bar Association shall display an updated list as per its record taking into account the list furnished by the State Bar Council. Said list shall be given due publicity.*

(vii) *Objections, shall be invited to the list. Objections, if any shall be disposed of by the election committee appointed by the Bar Association.*

(viii) *In case of any dispute with regard to the objections or their disposal, the same shall be decided by the court observer appointed herein.*

(ix) *Thereafter the final list shall be displayed and the election schedule for the date of polling etc. shall be*



issued by the returning officer. Due publicity shall be given to the electoral list as well as the schedule of the election.

(x) Only eligible bonafide voters who have paid their dues before the cut off date (to be fixed by the election committee) shall be entitled to cast their vote.

(xi) Election shall be held under the supervision of the court appointed observer. Court appointed observer shall also oversee the conduct of election by the election committee and the returning officer.

(xii) In case of any dispute or objection, the same shall be referred to the court appointed observer for a final decision.

8. The entire process including the conduct of election and declaration of result shall be completed on or before 31.07.2025.

9. The question of law raised is left open.

10. Petitions are disposed of in the above terms.

(SANJEEV SACHDEVA)
ACTING CHIEF JUSTICE

(VINAY SARAF)
JUDGE

SKM