RAJASTHAN HIGH COURT
सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S. B. Civil Writ Petition No. 23107/2026
CNR: RJHC021115242026 | URN: CW / 48747U / 2026

Rajasthan High Court
सत्यमेव जयते
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Virendra Agrawal, S/o Freedom Fighter Late Shri Prem Nidhi Agrawal, Aged About 66 Years, R/o, B - 308, 10B Scheme, Gopalpura Bypass, Jaipur, Rajasthan - 302018

----Petitioner

Versus

1. The Election Committee, Rajasthan High Court Bar Association, Jaipur, Through Its Members,
   (i) Dr. Pushpendra Pal Singh,
   (ii) Shri Prem Shankar Sharma, and
   (iii) Shri Manish Gupta
2. The Election Tribunal, Rajasthan High Court Bar Association, Jaipur, Through Its Members
   (i) Shri Ajay Kumar Bajpai, Senior Advocate
   (ii) Shri Rajeev Surana, Senior Advocate
   (iii) Shri Jagmohan Saxena, Advocate
   (iv) Shri Gordhan S. Faujdar, Advocate
   (v) Smt. Suruchi Kasliwal, Advocate
3. Rajasthan High Court Bar Association, Jaipur, Through Its Secretary, Rajasthan High Court Premises, Jaipur
4. Bar Council Of Rajasthan, Through Its Secretary, Rajasthan High Court Building, Jodhpur

----Respondents

For Petitioner : Mr. Virendra Agrawal petitioner in person with Mr. Shailesh Sharma Advocate, Mr. Santosh Kumar Soni Advocate, Dr. Prakhar Agarwal Advocate, Mr. Vaibhav Sharma Advocate, Ms. Anjali Assat Advocate. Mr. Sahil Jain Advocate. Mr. Jasmeen Choudhary Advocate. Mr. Ishwar Jain Advocate. Mr. Ram Pratap Saini Advocate. Mr. Prashant Kumar Sharma Advocate. Mr. G.L. Sharma Advocate. Ms. Susan Mathew Advocate. Mr. Rahul Tiwari Advocate. Mr. Bharat Saini Advocate with Dr.

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RAJASTHAN HIGH COURT

Soniya Saini Advocate.
Mr. Aamir Khan Advocate.
Mr. Sandeep Maheshwari Advocate.
Mr. D.V. Tholia Advocate.
Mr. Prem Chand Dewanda Advocate.
Mr. Sher Singh Mahla Advocate.
Mr. Hariom Yadav Advocate.
Mr. Madhusudan Singh Rajpurohit Advocate.
Ms. Alankrita Sharma Advocate.
Mr. Raghav Pareek Advocate.
Ms. Kunika Advocate.
Ms. Sanju Saini Advocate.
Ms. Isha Belani Advocate.
Ms. Neelam Sharma Advocate.
Ms. Nidhi Advocate.
Ms. Suman Sharma Advocate.
Mr. Prahlad Sharma Advocate.
Mr. Rajeev Sogarwal Advocate.
Mr. Kartik Sharma Advocate.
Mr. Yash Joshi Advocate.
Mr. Amit Choudhary Advocate.
Mr. Vishal Gurjar Advocate.
Mr. Nahendra Yadav Advocate.
Mr. Ramit Praeek Advocate with Mr. Kartik Sharma Advocate.
Mr. Shashank Agarwal Advocate.
Mr. Aditya Doda Advocate.
Mr. Meyhul Mittal Advocate.
Mr. Utkarsh Jindal Advocate.
Mr. Udit Sisodiya Advocate.
Mr. Ajay Sharma Advocate.
Mr. B.L. Dhakar Advocate.
Mr. Bhisma Kumar Singh Advocate.
Mr. Shilpa Sharma Advocate.
Mr. Rohit Khinchi Advocate.

For Respondents : Mr. Prem Shankar Sharma Advocate.
Mr. Manish Gupta Advocate.
Dr. Pushpendra Pal Singh Advocate.
Mr. Prem Chand Dewanda Advocate.
Mr. Niranjan Singh Raghav Advocate.
Mr. Akash Sharma Advocate.
Mr. Prateek Kasliwal Advocate through V.C.
Ms. Arzoo Khan Advocate.
Mr. Satish Kumar Khandelwal Advocate.
Mr. Vikram Beniwal Advocate.
Mr. Mahipal Lal Meena Advocate.

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Mr. Dinesh Pathak Advocate.
Mr. Mehul Kumar Meena Advocate.
Ms. Suruchi Kasliwal Advocate.

HON'BLE MR. JUSTICE ANAND SHARMA

Judgment

20/11/2026

1. The instant writ petition has been preferred by a Senior Member of Rajasthan High Court Bar Association showing concern with regard to upliftment of standard of the Bar as well as for election reforms. The petitioner has prayed for upholding the earlier eligibility criteria prescribed by the Election Committee of the respondent- Rajasthan High Court Bar Association, Jaipur vide notices dated 03.11.2026 and 04.11.2026 for inclusion of members in the voters' list for the forthcoming election and has also prayed for quashing notification dated 17.11.2026. The petitioner has prayed for following reliefs:

> *"It is, therefore, most respectfully prayed that this Writ Petition may kindly be allowed and, by an appropriate writ, order or direction:*
>
> ***i.*** *Quash and set aside the Notification dated 17.11.2026 issued by the Respondent No. 1-Election Committee, RHCBA, Jaipur; AND*
>
> ***ii.*** *Direct the Respondents to conduct the Annual Elections (2026-27) of the RHCBA, Jaipur, in terms of the Order dated 17.11.2026 passed by the Respondent No. 2-Election Tribunal, thereby maintaining the mandatory submission of two vakalatnamas or proof of two appearances before the Jaipur Bench of this Hon'ble Court, by desirous voters along with their affidavit, in the manner clarified vide Corrigendum dated 14.11.2026; AND*
>
> ***iii.*** *Direct the Respondent No. 1 to afford reasonable opportunity to members who have filed affidavits pursuant to the impugned Notification to furnish the requisite proof of appearance before publication of the list of members, and to modify the election programme, if at all, only to that extent; AND*
>
> ***iv.*** *Any other appropriate writ, order or direction which this Hon'ble Court deems just and proper in the facts and*

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circumstances of the case may kindly be passed in favour of the Petitioner;

v. *Costs of the writ petition may please be awarded in favour of the Petitioner."*

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2. It is stated that as per the schedule fixed for conducting annual elections, for the purpose of conducting general elections for electing office bearers of Rajasthan High Court Bar Association, Jaipur, Election Committing comprising of three members was appointed. The said Election Committed issued election programme along with one notice daetd 03.11.2026, whereby, it was notified that only those members of Rajasthan High Court Bar Association shall be eligible to cast vote, who possesses order sheets of at least two appearances before the Rajasthan High Court at Jaipur Bench, Jaipur or copies of two vakalatnamas and they were required to produce the same before the Election Committee along with an affidavit up to 02.11.2026.

3. Thereafter, one more corrigendum/clarification notice dated 04.11.2026 was issued by the Election Committee clarifying that the Senior Advocates, who are not supposed to file vakalatnamas, are exempt from the conditions put in earlier notice dated 03.11.2026 and it was further clarified that the proofs with regard to two appearances before the Court or filing of two vakalatnamas is not confined to the period of last preceding one year and concerned members of the association can produce such proofs relating to any period during entire tenure of their profession.

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4. It appears that thereafter, the Election Committee was served with alleged resolution narrating it to be resolution of General House of Rajasthan High Court Bar Association dated 04.11.2026, whereby it was attempted to show that the decisions taken by the Election Committee for putting over restrictions for casting vote has been annulled by the General House.

5. The petitioner appearing in person submitted that such alleged resolution of General House dated 04.11.2026 was anonymous for the reason that although it was bearing so many signatures, yet name of not a single person was mentioned over such document, nor any other details such as enrollment number, place of practice and other details were given on such resolution. It was also submitted that even otherwise such resolution was passed contrary to the Bye Laws framed by Rajasthan High Court Bar Association, hence, such alleged resolution of General House was a nullity and ineffective.

6. The record reflects that persuaded by such resolution dated 04.11.2026, the Election Committee referred the matter to the Election Tribunal comprising of five members of the Bar. Upon receiving such reference, the Election Tribunal rendered its decision vie order dated 17.11.2026 wherein the alleged anonymous resolution dated 04.11.2026 was held to be invalid and accordingly, the same was quashed and set aside. Simultaneously, the Election Tribunal also observed that although notice dated 03.11.2026 followed by corrigendum dated 04.11.2026 refers to Clause 4(a) of the Election Bye Laws,

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however, no material has been placed before the Tribunal to show that such Clause 4(a) was ever approved by the General House. Hence, the Election Tribunal came to the conclusion that the relying upon such Clause 4(a), notice dated 03.11.2026 and its corrigendum could not have been issued.

7. However, it was also observed that in the light of various judgments passed by the Hon'ble Supreme Court and this Court, the decision taken by the Election Committee was within its competence including the decision for imposing condition requiring submission of vakalatnamas/proof of appearances for being eligible to be a voter in elections. Reference of Advocates Act, 1961 and Bar Council of India Certificate and Place of Practice (Verification) Rules, 2015 was also given. It was also considered by the Election Tribunal that Bar Association must be run by practising advocates. It was also observed by the Tribunal that the Election Committee is fully competent to take decision for not allowing non-practising advocates to case votes, without taking any aid from alleged Clause 4(a) of the proposed Election Bye Laws.

8. Thus, as per the petitioner, although notices issued by the Election Committee on 03.11.2026 followed by its corrigendum dated 04.11.2026 was found to have reference of Clause 4(a), which never came into force and for that reason, notices were held to be not legally tenable. Simultaneously, it was consciously observed by the Election Tribunal that without taking any aid of aforesaid clause, the Election Committee is competent

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to take decision for not allowing non-practising advocates to cast votes.

9. The petitioner further submits that by misinterpreting order dated 17.11.2026 passed by the Election Tribunal, the Election Committee vide impugned notice dated 17.11.2026 virtually withdrew its earlier notices dated 03.11.2026 and 04.11.2026 and it was declared that the affidavits shall be filed by the advocates without enclosing any proof of appearance/vakalatnamas and accordingly, even the advocates who have never put any appearance whatsoever before this Court were held eligible to cast votes. It is a matter of fact that Rajasthan High Court Bar Association is a society registered under the provisions of the Societies Registration Act and has been duly recognised by Bar Council of Rajasthan which is a statutory body. Bar Council of Rajasthan is competent to regulate and govern appearance of Bar Associations and to issue general guidelines.

10. Mr. Prateek Kasliwal, learned counsel appeared on behalf of Bar Council of Rajasthan through video conferencing as also some of the members of the Bar Council, namely, Mr. Harendra Singh Sinsinwar, Mr. Prashant Kumar Sharma, and Ms. Arzoo Khan. Mr. Prateek Kasliwal, learned counsel submitted that so far as the procedure for elections is concerned, every Bar Association has been given autonomy to conduct its elections as per its own bye laws. However, Mr. Kasliwal, admitted that Bar Council of Rajasthan has framed the State Bar Council of Rajasthan Renewal of Certificate of Practice Rules, 2006 (for short

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'the Rules of 2006') for the purpose of renewal of enrollments of practising lawyers and to remove the names of non-practising lawyers. It has also not been disputed by Mr. Kasliwal that as per Rule 6.2 of the Rules of 2006, an advocate applying for renewal is required to submit declaration duly attested by the President/Secretary of the Bar Association concerned/Member of State Bar Council to the effect that the advocte has been practicing regularly since the date of enrolment or from the date of membership of the Bar Association as the case may be.

11. On a specific query that what is the intention of putting expression, 'that the Advocates have been practicing regularly" under the Rules of 2006, Mr. Kasliwal fairly submitted that the aforesaid expression means that only those advocates who have been appearing regularly in the Court are entitled for renewal of membership.

12. Thus, it is not disputed that even the Bar Council does not consider any member eligible and entitled for renewal of his enrollment if he is not a regular practitioner and is not appearing regularly before the Court.

13. All the advocates appearing before this Court, Members of Election Committee, one of the Member of the Election Tribunal, the petitioner as also the Senior Advocates, unanimously agreed that it would be in the larger interest of members of Bar Association that only the regular practitioners who have been regularly appearing in the Court should be conferred eligibility to cast votes. However, Shri Dinesh Pathak, learned counsel

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submitted that the Bye-laws prescribe the eligibility conditions for exercising the right to vote and once a member fulfils the same, the Election Committee cannot introduce any additional requirement which has the effect of depriving such member of his/her electoral rights. It was contended that the impugned condition amounts to an amendment of the Bye-laws without following the prescribed procedure and is, therefore, arbitrary and unsustainable in law.

14. I have heard the petitioner appearing in person and all the advocates who appeared before this Court.

15. This Court finds that conditions have been introduced with the bona fide object of ensuring that the electoral process represents advocates who are actually engaged in active legal practice before the Court concerned. Needless to observe that mere continuation of membership, without any corresponding professional engagement, ought not to be sufficient for determining eligibility to participate in the election of a Court-attached Bar Association. The requirement of producing two Vakalatnamas or two order sheets has been prescribed as a reasonable and objectively verifiable indicator of professional activity. This Court finds that the Election Committee, being responsible for conducting free, fair and meaningful elections, is competent to prescribe reasonable regulatory measures to ensure that the electorate comprises genuinely active members of the Bar.

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16. Learned counsels have placed reliance upon the practice followed by the Supreme Court Bar Association and the judgment of the Hon'ble Supreme Court in **Supreme Court Bar Association & Ors. v. B.D. Kaushik, reported in (2011) 13 SCC 774**, to contend that the distinction between membership of a Bar Association and eligibility to participate in its electoral process is well recognised and that reasonable restrictions based upon active professional engagement can legitimately be prescribed.

17. The controversy essentially revolves around the authority of the Election Committee to prescribe reasonable additional criteria for ascertaining the eligibility of members to participate in the electoral process, particularly when such criteria are intended to ensure that the elected body represents the interests of the practising Bar.

18. At the outset, it is required to be observed that a Bar Association is not merely an association of persons holding membership by virtue of their enrolment as advocates. It is an institutional body representing the collective interests and professional concerns of advocates practising before the concerned Court. The elected representatives of such an Association are expected to represent the aspirations, difficulties and professional interests of the practising members of the Bar. Therefore, the electoral process ought to meaningfully reflect the participation of advocates who have an actual and continuing professional connection with the Court concerned.

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19. The eligibility conditions prescribed under the Bye-laws are required to be construed as laying down the minimum requirements for participation in the electoral process. Unless the Bye-laws expressly prohibit the prescription of additional reasonable regulatory requirements, the Election Committee cannot be rendered powerless to adopt appropriate measures for ensuring that the voters' list comprises members who are genuinely engaged in active practice. The authority to conduct elections necessarily carries with it the incidental power to prescribe reasonable modalities for verification of the eligibility of voters, provided such measures are not inconsistent with the Bye-laws or otherwise arbitrary.

20. In the present case, the Election Committee vide notice dated 03.11.2026 has prescribed the requirement of filing at least two Vakalatnamas during the preceding one year or, alternatively, producing two order sheets reflecting appearances before the Court during the said period. The condition is neither onerous nor excessive. It provides two alternative modes of establishing professional engagement and is founded upon objective and verifiable documentary material. The requirement is not intended to assess the professional competence or standing of an advocate but merely to ascertain whether the member has remained professionally connected with the Court during the relevant period. Such requirement was further relaxed by allowing the members to produce such proof in the entire tenure of their practice.

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21. It is also necessary to appreciate that membership of a Bar Association and eligibility to participate in its electoral process are two distinct concepts. A person may continue to remain a member of the Association and enjoy the benefits flowing from such membership, but the right to participate in its elections can legitimately be regulated by reasonable conditions having a rational nexus with the objects and institutional character of the Association. Such condition does not terminate the membership of any person; it merely seeks to ensure that the electoral mandate is exercised by members having a demonstrable connection with the practising Bar.

22. The aforesaid principle finds support from the judgment of the Hon'ble Supreme Court in **Supreme Court Bar Association & Ors. v. B.D. Kaushik (supra)**, wherein the distinction between membership and electoral participation was recognised and the legitimacy of regulating voting rights in a Court-attached Bar Association, having regard to the professional engagement of its members, was considered. The framework of the Supreme Court Bar Association also recognises the distinction between active and non-active members for the purpose of electoral participation. Though the precise criteria adopted by the Supreme Court Bar Association may not be identical to those impugned herein, the underlying principle remains the same, namely, that electoral participation in a Court-attached Bar Association can legitimately be connected with active professional engagement.

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23. This Court is of the considered opinion that the initial initiative taken by the Election Committee deserves appreciation. The inclusion of persons whose association with the Court has become merely nominal, without any demonstrable professional activity, may dilute the representative character of the elected body. The Election Committee earlier sought to address this concern by prescribing a modest and objectively ascertainable requirement. Such a step, aimed at improving the standards of the Association and ensuring meaningful participation of active members of the Bar, ought not to be discouraged in the absence of any demonstrated conflict with the Bye-laws or arbitrariness.

24. It is true that the Election Committee cannot assume the power to amend or override the Bye-laws under the guise of conducting elections. However, a reasonable regulatory condition intended to verify professional engagement and further the objects of the Association cannot automatically be treated as an amendment of the Bye-laws. The distinction between prescribing a substantive disqualification contrary to the Bye-laws and adopting a reasonable additional standard for verifying electoral eligibility is required to be maintained. In the present case, the impugned condition falls within the latter category.

25. In view of the aforesaid discussion, this Court finds that the conditions earlier put by the Election Committee vide notices dated 03.11.2026 and 04.11.2026 had rational nexus with the object sought to be achieved, are reasonable in nature and do not, on the material placed before this Court, suffer from any

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arbitrariness or illegality. However, it appears that thereafter, being misled by an anonymous resolution of the General House dated 04.11.2026 and misinterpreting order dated 17.11.2026, the Election Committee has withdrawn the earlier conditions by way of issuing notice dated 17.11.2026.

26. For the reasons mentioned hereinabove, notice dated 17.11.2026 issued by the Election Committee is hereby quashed and set aside and earlier notices dated 03.11.2026 and 04.11.2026 issued by the Election Committee are hereby restored and the same shall remain effective.

27. Consequently, the Election Committee has agreed to revise its schedule so far as filing of affidavit in person is concerned. The Election Committee shall permit requisite affidavits to be filed by the members, in accordance with notices dated 03.11.2026 and 04.11.2026 up to 5.00 P.M. on 23.11.2026. The affidavits shall also be accepted on Sunday, i.e., 22.11.2026 during office hours. Fresh publication of list of members who submitted affidavits shall be made on 24.11.2026. Those, who have filed affidavits without furnishing copies of proof of appearances/vakalatnamas shall also be at liberty to file such documents before the Election Committee during the aforesaid period. Rest of the election schedule published by the Election Committee as per Annexure-2 shall remain unchanged. The Election Committee shall make compliance of this judgment forthwith.

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28. Consequently, writ petition filed by the petitioner is accordingly allowed.

29. Before parting, this Court deems it proper to record appreciation for the advocates who appeared and assisted this Court in resolving the dispute in quite amicable manner.

(ANAND SHARMA),J

MANOJ NARWANI

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