

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24-07-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

WP(MD) No. 10780 of 2026

and

W.M.P.(MD)Nos.8437 & 8438 of 2026

G,K.Chitradevi

..Petitioner(s)

Vs

1. The Bar Council of Tamil Nadu and Puducherry
Rep by its Secretary,
Madras High Court Campus,
Chennai 600 104,
2. Kalaiyarasi Bharathy,
The Election Officer,
Madurai Bench of Madras High Court Bar
Association (MMBA), 2/232,
Opp to Modern Rice Mill,
Kadachanendal, Madurai 625 107.
3. The General Secretary,
Madurai Bench of Madras High Court Bar
Association (MMBA),
Campus of Madras High Court Madurai Bench,
Madurai.
4. P.Jessi Jeeva Priya
5. Chamundi Bose
6. K.R.Shiva Shankari

..Respondent(s)



Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus calling for the records relating to the insertion and participation of Respondents 4 to 6 in the final list of contesting candidates dated 10.04.2026 for the Madurai Bench Bar Association (MMBA) election, quash the same as illegal, and consequently direct the Respondents 1 and 2 to disqualify Respondents 4 to 6 from contesting and exercising their voting rights in the MMBA Election for violation of the One Bar One Vote principle.

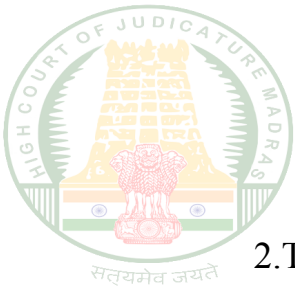
For Petitioner(s): Mr.C. Kishore

For Respondent(s): Mr.Niranjana S Kumar (R1)
Mr.M.Saravana Kumar (R3)
Mr.V.Meenakshi Sundaram (R6)
Mr.V.Alex Benny Hook (R4)
Mr.S.Vinodh (R2)

ORDER

(Order of the Court was made by C.V.Karthikeyan J.)

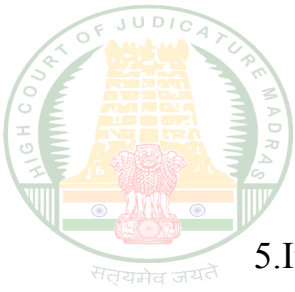
This writ petition has been filed in the nature of a Certiorarified Mandamus seeking records relating to the participation of the respondents 4 to 6 and their permission to participate as contesting candidates for the elections to the Madurai Bench Bar Association (MMBA), dated 10.04.2026 and to quash the same and to direct the first and second respondents, namely the Bar Council of the Tamil Nadu and Puducherry and the Election Officer for the elections to MMBA to disqualify the respondents 4 -6 from contesting and exercising their voting rights in the elections to MMBA for violation of 'One Bar, One Vote' principle.



2. There are two separate reliefs, which are mingled together in this present writ petition. One is that the petitioner is deeply aggrieved by the acceptance of the candidature of the respondents 4 to 6 to participate in the elections to MMBA. The other is the permission granted, which naturally accrues to a candidate to cast a vote in the elections.

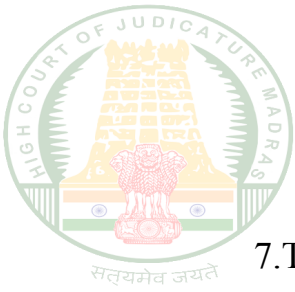
3. It was contended by the petitioner, who is also an Advocate and a contestant for the post of General Secretary in the elections to MMBA, that the list of candidates, who had submitted their nominations, had been published on 04.04.2026 by the previous Election Officer, who resigned on 08.04.2026. Thereafter, the second respondent had been appointed as the Election Officer on 10.04.2026. The list of candidates, whose names have been scrutinised and approved, had been put up. The post of Vice President was reserved for women candidates.

4. In the final list of candidates, which was purported to have been prepared on 08.04.2026, but was published only on 10.04.2026, it was found that the respondents 4 – 6 had also put up their names as candidates for the elections. The fourth and fifth respondents had put up their names to contest for the post of General Secretary and the 6th respondent had put up her name to contest for the post of Vice President.



5. It had been contended by the petitioner that there should be strict enforcement of the Rule, 'One Vote, One Bar', and that should be applied to all the Bar Associations within the precincts of the Madurai Bench. It had been further contended that the 4th respondent had previously contested for the post of President in Women Advocate Association and the 6th respondent had previously contested for the post of General Secretary in the Women Advocate Association. Holding out a grievance that the names of the three said candidates should not have been approved and they should not have been permitted to contest the elections for the post of General Secretary (4th and 5th respondents) and for the post of Vice President (6th respondent), the writ petition has been filed in the nature of a Certiorarified Mandamus to quash the list of candidates, who had been put up to contest for the election.

6. It had been argued during the course of arguments that the respondents 4 to 6 were admittedly the members of the Woman Advocate Association and additionally, the 4th and 6th respondents have also contested in the election for the said association, one for the post of President and the other for the post of General Secretary in the Women Advocate Association and that fact cannot be either denied or disputed by the said respondents. Holding out that the acceptance of their candidates had seriously prejudiced the petitioner herein, the writ petition came to be fired.



7.The learned Counsel for the writ petitioner placed strong reliance on the judgement of a Division Bench of this Court in ***W.P.No.1571 of 2019*** in the case of ***V.Madhesh vs. Secretary, Bar Council of Tamil Nadu Puducherry and others***, dated 20.01.2021, wherein, the Division Bench of this Court had examined the issue of what could be termed as “generating Advocates out of non-practising Advocates” and “enrolling non-practising Advocates as members of various Bar Associations” and encouraging them to come forward to vote for a particular candidate and thereby, gathering votes to the advantage of the said candidate.

8.The Division Bench was seriously disturbed by such a practice being adopted by practically all the Advocate Associations across the State and therefore, had thought it necessary to issue a series of guidelines, which according to the Division Bench should be scrupulously followed by the Advocate Associations across the State. It was also made imperative that in accordance with the directions issued, particularly that one Advocate can vote in only one Association, necessary Rules should also be amended in the by-laws of each Advocate Association. It was also held by the Division Bench that till such Rule is actually amended or if an Association does not bring about any such amendment, it should be deemed that such an amendment had been actually brought into effect.



WEB COPY

9. The learned Counsel pointing out the aforementioned pronouncement of the Division Bench stated that even though MMBA had not introduced any such Rule, specifically, restricting ‘one vote, one bar’ principle among its members, it should be deemed that such Rule had actually been brought into effect.

10. The learned Counsel for the appellant also placed very strong reliance on the judgement of the Honourable Supreme Court reported in **2011 (13) SCC 774** in the case of ***Supreme Court Bar Association and others Vs. B.D.Kaushik***. The issue before the Hon’ble Supreme Court was the implementation of a Rule in the Supreme Court Bar Association, wherein a Rule had been very specifically introduced restricting that voters /Advocates can vote in only one Association and not in multiple Associations, though they could be the members of other Associations. The Hon’ble Supreme Court had examined whether that particular restriction would impinge on the right of a member of a particular Association and had come to a very categorical finding that it was only a reasonable restriction. It was also found that the Supreme Court Bar Association /SCBA had been formed primarily to promote the interest of the Hon’ble Supreme Court Advocates and of Advocates regularly practising in the Supreme Court and not of advocates not regularly practising in the Supreme Court. The basic principle underlying the said amendment was that



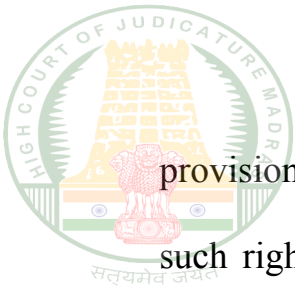
the Advocates not practising regularly in the Supreme Court cannot be permitted to take over the affairs of SCBA.

WEB COPY

11. Viewing the entire issue from that particular angle and also holding that any reasonable restriction of rights in an Association cannot be deemed to be a restriction of a fundamental right, but only of a right, which was borne out of a statute, the Hon'ble Supreme Court upheld such amendment introduced in the by-laws or Rules of the Supreme Court Bar Association.

12. Learned Counsel for the petitioner brought to the notice of this Court a very recent judgment of the Division Bench of the Delhi High Court in the case of ***PK Dash, Advocate and others vs. Bar Council of Delhi and others*** in ***W.P. (C).8106 of 2010*** rendered on ***31.05.2016***. Various issues had been taken up by the Division Bench including 'one Advocate, one chamber' principle and also the principle of 'one Bar, one vote' and it was held that the said principle was directly covered by the judgment of the Hon'ble Supreme Court, referred *supra*.

13. The Division Bench of the Delhi High Court had drawn reference to the observations in the judgement of the Hon'ble Supreme Court referred *supra* and had held that a right to vote cannot be claimed as a fundamental right of any member of an Association, but rather a right which had been guaranteed under the statute. Once it had been guaranteed under the statute and since any

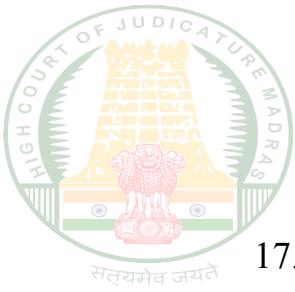


provision under the statute could always be, with reasons, amended or modified, such rights could also be restricted and any restriction imposed can never be questioned, if it is found that such restriction was for the interest of the Association.

14.The Division Bench, therefore, issued several directions similar to the directions issued by the Division Bench of this Court in **Madhesh's** case referred *supra* and had directed that a particular Rule incorporating 'one bar, one vote' principle shall be incorporated in every Bar Association including the Delhi High Court Bar Association and all other Associations within the High Court of Delhi and in the other Courts, Tribunals coming under the jurisdiction of the Delhi High.

15.Placing reliance on the said principle, the learned Counsel argued that the respondents 4 - 6, who had put up their names for the posts of General Secretary and Vice President, respectively, should not be permitted to contest in the election and more importantly, they should not be permitted to even exercise their vote in the elections in MMBA.

16.The Bar Council of Tamil Nadu and Puducherry is also a party to the writ petition as the first respondent and they broadly supported the stand of the appellant herein.



17. The learned Standing Counsel for the first respondent placed reliance on the *Bar Council of India Certificate and Place of Practice (Verification) Rules, 2015* and more importantly placed specific reliance on Form-A, which is to be submitted under Rule 8.3 of the said Rules relating to application for issuance of certificate of practice. In that particular form, while filling up the serial No.18 which relates to two issues, one regarding the place where the Advocate intends to cast his vote and the second regarding the name of the Bar Association and place. The name of only one Bar Association could be given. The form has to be given for the Bar Council Election and also for the Bar Association Election.

18. It had been contended that only one Association could be stated in the said column and any prospective Advocate, who seeks such a certificate will have to indicate the specific Bar Association, for which he or she would cast his/her vote. It is therefore, contended on behalf of the first respondent that there cannot be multiple Bar Associations which could be indicated and conversely, it is argued that there could be only one Bar Association for which an Advocate could cast his vote and not more than one. It is therefore, contended that when such a form had been filled by a prospective candidate, who has to specify one particular Association, he /she cannot exercise vote for more than one particular Association. Placing reliance on the aforementioned declaration which has to

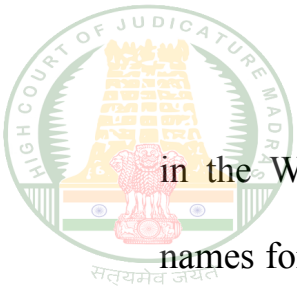


be given, it had been contented by the learned counsel for the Bar Council of Tamil Nadu and Puducherry that a candidate cannot exercise his vote in more than one particular Association.

19. However, very specifically, neither the Counsel for the petitioner nor the Counsel for the first respondent have indicated whether the specific Association, for which the elections are now to be contested and now the issue before us, namely MMBA, had amended their Rules restricting their members to cast one vote in that particular association and preventing any member who had earlier caused their vote in any other Association from casting a vote in MMBA.

20. We hold that there cannot be a deemed application of any Rule. That fiction would be violative of the right of a member which flows from the statute. A Rule could be amended or modified, a right could be restricted by amendment of the Rule, but when the Rule does not specifically restrict such rights, a member cannot be deemed to have his right restricted.

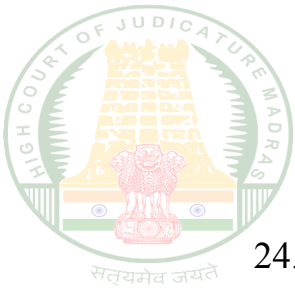
21. The learned Counsels have also entered appearance on behalf of the 4th, 5th and 6th respondents and it is to be noted that they can neither deny or dispute the allegation that the said respondents were members of the Women Advocate Association and that they had contested for the post for various posts



in the Women Advocate Association and that they have again put up their names for the post of General Secretary and Vice President in MMBA and seek to exercise their votes.

22.It should also be pointed out that the respondents 4- 6 are women Advocates, and therefore, as a matter of default, they become the members of the Women Advocate Association. They cannot become members of MMBA by default. They become members by joining MMBA, paying subscription, applying for it and being recognised to be the members of MMBA. But however, they automatically could be enrolled as members of the Women Advocate Association, being women.

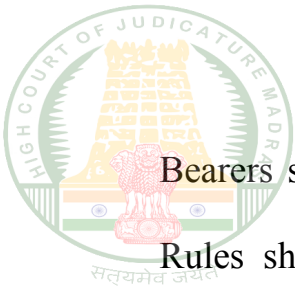
23.It is also to be noted that there is a general Rule which has now been insisted upon by the Hon'ble Supreme Court that 1/3 of the post should be reserved for women candidates. It is also informed to this Court that the post of Vice President is reserved for women candidates. The 6th respondent has put up her name for the post of Vice President. She is also a member of the Women Advocate Association and as a woman, she is entitled to claim that particular post, which has been reserved for women. Since the post is reserved for women, no male member can ever become the Vice President of MMBA as it is a post reserved exclusively for women.



24. The petitioner cannot claim to contest the post of Vice President, since no male member could ever contest for the post of Vice President. With due respect, it is to be also noted that none of the other male members have thought it necessary or fit or had deemed it proper to contest for the post of Vice President. The 6th respondent was the only candidate, who had put up her name for the post of Vice President. She therefore, has to be elected automatically as there is no contesting candidate and even if there is a contesting candidate, it could only be a lady candidate, and any lady candidate would also by default, be a member of the Woman Advocate Association.

25. Therefore, we hold that it is poor argument on the part of the petitioner to contest the eligibility of the 6th respondent to put her name for the post of Vice President for the elections to MMBA.

26. This leaves us with the post for General Secretary, for which the 4th and 5th respondents have put up their names. The Supreme Court Bar Association had brought an amendment to their rules specifically restricting their members to one vote, one Bar. Directions have been issued by this Court in the year 2011. Directions have been issued by the Delhi High Court in the year 2016. MMBA has been functioning even much earlier to both 2011 and 2016. As members, and particularly as professionals lettered in law, the Office

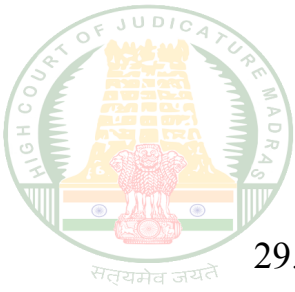


WEB COPY

Bearers should have been aware of the flow of law, which stipulates that the Rules should be amended to restrict votes for one vote, one member, one Association. Consciously, MMBA had not amended their Rules. They had taken a very considered decision that such an amendment need not be introduced.

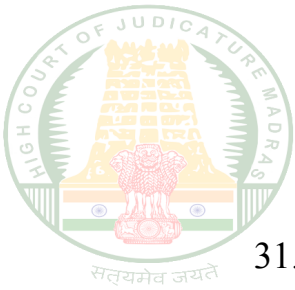
27. There is also no argument presented that such a resolution was tried to be moved or was recommended to be moved or was proposed to be moved or put up for vote. There was no effort taken to bring in such a resolution or bring in such an amendment. The members were quite happy with the existing Rules. Nobody had raised any objections for the same. They never thought it requisite to bring in such a resolution or an amendment. When having decided not to bring in such an amendment, it may not lie in the mouth of the writ petitioner herein to question the candidature of the 4th and 5th respondents.

28. It is a fact that they are the members of the Woman Advocate Association. It is a fact that the 4th respondent had put up her name for the post of President in the Women Advocate Association. It is a fact that they are primarily the members of the Women Advocate Association, but they have also been inducted as members of MMBA. Once they had been inducted as members of MMBA, they can claim the rights provided to them under the Rules of MMBA. The Rules provide every recognised member to cast a vote. The Rules provide every eligible members to contest in the election.



29. The Election Officer, second respondent, had accepted the names of the fourth and fifth respondents for the post of General Secretary. They have not been disqualified merely because they were members of Women Advocate Association. To repeat, they are members of the Women Advocate Association by default, as a matter of right owing to their birth as women. That status should be recognised. That status should be honoured and when they choose to become members of MMBA, the authorities who govern MMBA should have rejected their membership, if they were to state that they would not be permitted to exercise their right as members. One of the important rights provided under the Rules to any Association is the right to vote. Till such time MMBA brings in an amendment, they cannot insist on a deemed amendment to the Rules.

30. There can never be assumption of amendment of Rule in a Society where there are several members. Any amendment has to be introduced only on voting of all the members and by a majority of the members. When none of the members have taken a step to amend the Rules, the Court can never thrust a particular amendment on any Association. It is a body independent of the Court. It is a body which is a collective group of members. They take a decision to have a particular Rule and to have a particular restriction when voting and to have a particular method or a particular guideline for those who want to contest the elections or for those who seek to cast their votes.



31.The judgement of the Hon'ble Supreme Court is clearly distinguishable on the ground that it examined a Rule which had been amended restricting a right. It had been held that such a restriction is proper. But MMBA had not introduced such a Rule. For all we know, even if such a Rule is proposed, majority members of MMBA would not be in favour of such an amendment and any proposal to introduce such an amendment might even be defeated. Such an amendment has not been put to test before the members of the Association. One single member can never come and project that a Rule should be deemed to have been brought into effect.

32.The stand of the Bar Council of Tamil Nadu and Puducherry is extremely narrow, particularly because it only encourages providing the name of a place at the particular Bar Council where vote can be cast and the name of the Association for which the vote can be cast. There is no indication that only one Association could be mentioned. The Form is used in singular but, there is no instance pointed out that when a member applying for certificate to practice had filled in 2 or 3 Associations, his right to practice had been rejected by the Bar Council. No such Form had been produced before us. No such specific instance had been stated before us.

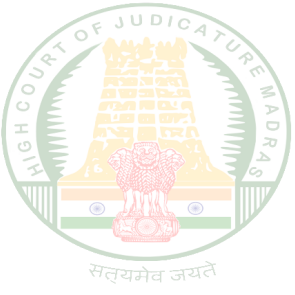


33. In view of these reasons, we are not inclined to entertain the writ petition, particularly since MMBA is concerned, the members have taken a decision not to introduce a Rule as 'one vote, one Association'. The writ petition stands dismissed. Since the elections have already been conducted, we direct the results to be published. We fervently hope peace prevails. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(C.V.K.,J.) (R.S.V.,J.)
24-07-2026

Index: Yes
Speaking
Neutral Citation: Yes

ta



WEB COPY

WP(MD) No. 10780 of 2

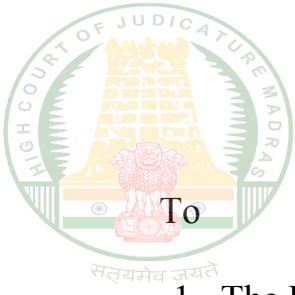


**C.V.KARTHIKEYAN, J.
AND
R.SAKTHIVEL, J.**

ta

WP(MD) No. 10780 of 2026

24-07-2026



To

1. The Bar Council of Tamil Nadu and Puducherry
Rep by its Secretary,
Madras High Court Campus,
Chennai 600 104.
2. The General Secretary,
Madurai Bench of Madras High Court Bar
Association (MMBA), Campus of Madras High
Court Madurai Bench, Madurai.