



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

PUBLIC INTEREST LITIGATION (PIL) No. - 177 of 2026

Mithlesh Srivastava

.....Petitioner(s)

Versus

The Oudh Bar Association, Honble High Court
Sitting At Lko. Thru. Its General Secy.

.....Respondent(s)

Counsel for Petitioner(s) : Km. Vishwa Mohini, Jan Laxmi Tewari
Senani, Rajesh Kumar

Counsel for Respondent(s) :

Court No. - 1

HON'BLE RAJAN ROY, J.

HON'BLE MANJIVE SHUKLA, J.

(C. M. Application No. 5 of 2026)

1. This is an application for modification of the order dated 14.08.2026 passed in WPIL No. 177 of 2026 to the extent a direction needs to be incorporated in the said order, restraining the candidates who are running for election to various offices of the governing body of the Oudh Bar Association, not to paste stickers, banners, holdings either in the High Court premises or outside of the High Court and also not to block the roads by putting tents and to restrain them from distributing food items within the Court premises especially on election day.

2. We have been informed that in the context of ensuing election of governing body of the Oudh Bar Association candidates for respective posts are pasting stickers and posters inside and outside the High Court premises at Lucknow which not only sullies the aesthetics of building/ premises but even otherwise is impermissible.

3. Our attention has been invited to a decision of Hon'ble the Supreme Court reported in ***AIR OnLine 2021 SC 1260; Amit Sachan Vs. Bar Council of Uttar Pradesh, Lucknow***. The aforesaid case before the Supreme Court arose out of orders dated 24.08.2021 and 27.08.2021 passed by a Division Bench of this Court at Lucknow in PIL Civil No. 18055 of 2021. In Para 24(IV) to (VI) of the order dated 24.08.2021 the

following directions were given:-

"24. We hereby issue further direction:

(I)

(II)

(III)

(IV) The Elders' Committee, Awadh Bar Association shall formulate 'code of conduct' for elections keeping in view the recommendations and directions issued today.

(V) Canvassing by distribution of visiting cards/cards, pamphlets or poster should be prohibited in the elections of the Awadh Bar Association. Distribution of lunch packets, refreshment, etc. should not be allowed either before or during the election and all those who are found distributing such things should be debarred from contesting elections. Hosting or arranging dinner parties for canvassing for elections should be prohibited.

(VI) Senior Registrar or any other Officer deputed by him in consultation with the Elders' Committee shall debar such Members of Awadh Bar Association from participating the ensuing election who may be found having indulged in misbehaviour and disrupting the process of election on 14.8.2021 while the polling was in process, after due verification of the complaints received and perusal of video clipping and such other evidence as may be available."

4. An SLP bearing Special Leave Petition (Civil) No. 15349 of 2021 was filed against the aforesaid order. The directions/ observations of this Court in the above-mentioned PIL Civil No. 18055 of 2021 have been approved by the Supreme Court and the SLP has been dismissed.

5. In Para 3.2 of the judgment of the Supreme Court in **Amit Sachan (supra)** the role to be played by the members of the Bar in the

administration of justice delivery system has been noted with reference to an earlier judgment rendered in the case of **R. Muthukrishnan Vs. Registrar General, High Court of Judicature of Madras** reported in **(2019) 16 SCC 407**. Para 31 of the decision in the case of **R. Muthukrishnan** (supra) as was noticed therein, reads as under:-

"31. There is no room for taking out the procession in the court premises, slogan raising in the courts, use of loudspeakers, use of intemperate language with the Judges or to create any kind of disturbance in the peaceful, respectful and dignified functioning of the court. Its sanctity is not less than that of a holy place reserved for noble souls. We are shocked to note that the instances of abject misbehaviour of the advocates in the premises of the High Court of Madras resulting into requisitioning of CISF to maintain safety and majesty of the Court and rule of law. It has been observed by this Court in Mahipal Singh Rana [Mahipal Singh Rana v. State of U.P., (2016) 8 SCC 335 : (2016) 4 SCC (Civ) 1 : (2016) 3 SCC (Cri) 476 : (2016) 2 SCC (L&S) 390] that the Bar Council has failed to discharge its duties on the disciplinary side. In our opinion, in case such state of affairs continues and the Bar Council fails to discharge duties the Court shall have to supervise its functioning and to pass appropriate permissible orders. Independence of the Bar and the Bench both are supreme, there has to be balance inter se."

6. Of course in the aforesaid case some incident of misbehaviour took place but generally conduct of the Advocates and what is expected of them was considered in the said case and it was specifically observed that if the Bar Council fails to discharge duties the Court shall have to supervise its functioning and to pass appropriate permissible orders.

7. We are of the opinion that WPIL No. 177 of 2026 has already been decided, therefore, based on the information provided in this application and the averments contained therein let a separate Suo Motu Public Interest Litigation be registered with the title **In Re: Conduct of Elections to the Oudh Bar Association**.

8. List/ put up this PIL on 29.09.2026 as fresh along with WPIL No. 18055 of 2021.

9. We reiterate the observations contained in Para 24 of the order dated 24.08.2021 passed in PIL Civil No. 18055 of 2021 in the context of the ensuing elections for the Oudh Bar Association for the year 2026-27.

10. Let the Senior Registrar of this Court at Lucknow conduct an inquiry, take photographs, get videography done, of relevant portions of inside and outside of the High Court premises to ascertain the posters, stickers etc. which may have been pasted on the walls and other places and submit a report in this regard to this Court with names and other details of the candidates whose posters, etc. may have been pasted.

11. This order is being passed in the presence of the Returning Officer of the Election Shri R.B.S. Rathor who informs that he himself has issued several notices asking the candidates not to indulge in such practices of pasting posters, stickers etc. on the walls inside and outside of the premises of the High Court but there is not much improvement in the situation.

12. We have heard Shri Sanjay Misra and Km. Vishwa Mohini members of the Bar who have also stressed upon the Court, the urgent need for judicial intervention in the mater, as, it appears that the advise and counselling by the Returning Officer and other learned Senior Counsel of the Bar has not had the desired result on the candidates who are running for elections.

13. Let the U.P. Bar Council, Parayagraj be impleaded as an opposite party in these proceedings by the Office, so will the Elders Committee of the Oudh Bar Association, Lucknow and the Returning Officer for the Elections to the Oudh Bar Association.

14. The Senior Registrar of this Court shall serve the notice of these proceedings along with copy of this order upon the opposite parties.

15. We direct all the candidates whose posters, stickers etc. may have been pasted or affixed in any portion whether inside or outside the High

Court premises to immediately take measures for removal of the same otherwise it will have serious consequences in the light of the earlier orders passed on 24.08.2021 and 27.08.2021 as quoted hereinabove and we might be compelled to ensure debarring of such candidates from such election.

16. We further provide that none of the candidates shall take out any procession within the High Court Premises in connection with the said election nor will they distribute food items within the premises. They shall also not distribute handbill and pamphlets to the members of the Bar inside the High Court compound and within the 100 meters radius outside the premises of the High Court.

17. Any violation of aforesaid directions shall entail debarring from being considered for the elections and may also entail other consequences, such as, referring the matter to the Bar Council or taking of such other action by the Court as may be required.

18. A copy of this order shall be sent by the Senior Registrar of this Court at Lucknow to the Chairman of the Elders Committee for being pasted on the Notice Board.

19. The members of the Bar have suggested that in the last election a program named as 'Know Your Candidate' (KYC) was conducted by the Returning Officer wherein the candidates for election addressed the members of the Oudh Bar Association which helps to the members to take a decision as to whom they should vote for a particular post. The Returning Officer Shri R.B.S. Rathor is present. He says that he will certainly consider this request of the Members of the Bar and do the needful.

20. The Members of the Bar including some of the candidates have suggested that the Returning Officer or the Elders Committee can use the funds of the Bar for providing edibles to the voters on the date of voting instead of the candidates making arrangements for the same. Shri Rathor says that he would explore this aspect in consultation with the Elders Committee and shall do the needful.

21. The list of Senior Members of the Oudh Bar Association shall be provided by Shri R.B.S. Rathor on the next date.

22. The name of Shri Subhash Chandra Pandey, learned counsel for the U.P. Bar Council shall printed in the cause list whenever the case is listed next.

(Manjive Shukla,J.) (Rajan Roy,J.)

September 18, 2026
R.K.P.