

**Court No. - 40**

**WWW.LIVELAW.IN**

**Case :- WRIT - C No. - 25923 of 2021**

**Petitioner :-** Sardar Jitendra Singh

**Respondent :-** Bar Council Of Uttar Pradesh And 3 Others

**Counsel for Petitioner :-** Akhtar Ali

**Counsel for Respondent :-** Amit Kumar Singh, Amit Kumar Singh

**Hon'ble Ashwani Kumar Mishra,J.**

**Hon'ble Vikram D. Chauhan,J.**

Petitioner has contested election for the post of President of Tehsil Bar Association, Khatauli, District Muzaffar Nagar. It appears that respondent no.4 was elected for the post but on account of some proceedings undertaken by the Bar Council he has not been administered oath. Petitioner now wants declaration from this Court that the petitioner be treated as President of Tehsil Bar Association, Khatauli.

Sri Amit Kumar Singh, who has appeared for respondent no.1 states that neither the writ petition is maintainable nor such a course would be permissible in view of the admitted scenario that petitioner has not secured highest votes and there is no provision in the bye-laws which provides that the second candidate to be declared President in the event the candidate with highest votes is declared ineligible.

The contention advanced by Sri Singh for respondent Bar Council appears to be right. The Bar Association remains essentially a private body and in respect of dispute of its office bearer a writ petition ordinarily would not lie. Moreover, in the absence of any provision in the bye-laws the candidate with second highest votes cannot be declared as President.

Leaving it open for the petitioner to approach appropriate forum in respect of his grievance, this writ petition is consigned to records.

**Order Date :- 24.11.2021**

**Ashok Kr.**