

# The High Court Of Madhya Pradesh

WP No. 29267 of 2021

(DR.VIJAY KUMAR CHOUDHARY AND OTHERS Vs SHAIENDRA VERMA AND OTHERS)

**Jabalpur, Dated : 13-01-2022**

**Heard through Video Conferencing.**

*Shri Deepesh Joshi, Shri Vikas Upadhyay and Shri Vivek Choudhary, Advocates for the petitioners.*

*Petitioner No.1 Dr. Vijay Kumar Choudhary is also present in person.*

*Shri Anil Khare, Senior Advocate with Shri Ashish Sharma, Advocate for the respondent No.1.*

*Shri Naman Nagrath, Senior Advocate with Shri Vikas Mahawar, Advocate for the respondent No.2.*

*Shri Shashank Shekhar, Advocate for the intervenor.*

This petition is filed by thirteen petitioners. Petitioner No.1 claims to be the Chairman of the Bar Council of Madhya Pradesh and petitioner No.3 claims to be its Vice Chairman. The other petitioners are the Members of the Bar Council of Madhya Pradesh.

It is their case that petitioner No.1 is the Chairman and petitioner No.3 is the Vice Chairman of the State Bar Council. However, a Resolution was effected by respondent No.1 to the effect that he is elected as the Chairman of the State Bar Council. Therefore, the instant petition is filed seeking for a writ of quo warranto with regard to the authority of respondent No.1 to hold the office of the Chairman of the State Bar Council and for a writ of mandamus to quash the illegal minutes dated 12.12.2021 at Serial No.SBC/MP/Meeting/GB/2021 vide Annexure-P/6 to the petition and to hold that all orders issued, directions taken by respondent No.1 since 12.12.2021 in its purported capacity as Chairman of the State Bar Council of Madhya Pradesh be declared as *void ab initio* etc.

An application being I.A. No.549 of 2022 is also filed seeking for the intervention on behalf of the applicant, namely, an advocate who is also a Member of the State Bar Council. It is his case that any orders to be passed would affect his right and therefore, he be impleaded as a respondent to the proceedings. That it was he, who has filed a revision under Section 48-A of the Advocates Act, 1961 before the Bar Council of India with regard to the disputes in the Bar Council of Madhya Pradesh. The Bar Council of India by its interim order dated 15.12.2021 have directed that during the pendency of the revision petition all the Committees of the Bar Council of Madhya Pradesh, which were functioning before 12.12.2021, shall continue to function, among other directions. The matter was directed to be listed on 26.02.2022. Therefore, the Court may take the same into consideration and implead him in this proceeding.

Shri Anil Khare, learned Senior Counsel appearing on behalf of the counsel representing respondent No.1, submits that since the dispute is pending adjudication before the Bar Council of India in terms of Section 48-A of the Advocates Act, this Court should refrain from proceeding further in the matter. That it is the Bar Council of India alone that could resolve the dispute between the Members of the Bar Council herein. Therefore, he pleads that the Court should refrain from so interfering.

Before advertng to the contentions advanced, we are of the considered view that an interim order requires to be granted in order to ensure that there is no further damage that is caused by the pending disputes to anyone concerned.

The Bar Council of India is seized of the dispute between the members of the State Bar Council and they have constituted a Committee and have directed the matter to be listed before them again on 26.02.2022. The objection of the respondents is that this Court has no

jurisdiction to interfere when the Bar Council of India is seized of the same. Be that as it may, as to whether this Court has jurisdiction to entertain this petition or not, would be decided later. It would suffice to hold that there is an interim order that has been granted by the Bar Council of India. The order reads as follows:-

*"I have heard the applicant's representative and perused the Revision Petition along with the annexures. There appears to be serious controversy and dispute again arisen in Bar Council of Madhya Pradesh. Such state of affair is most unfortunate for any State Bar Council. Some other disputes of the State Bar Council are still pending before this Council. This Council has been trying to get all these disputes settled amicably. But, it appears to be a very difficult to bring brotherhood and good relationship among the Members of State Bar Council of Madhya Pradesh.*

*The Committee consisting of Hon'ble Mr. Suresh Chandra Shrimali, Co-Chairman, Hon'ble Mr. Shreenath Tripathi, Co-Chairman, Hon'ble Mr. Prashant Kumar Singh, Hon'ble Mr. Dilip K. Patel, and Hon'ble Mr. D.K. Sharma, Members, Bar Council of India is constituted to visit the State Bar Council of Madhya Pradesh in order to find out a solution to the problem with regard to the controversy/dispute relating to the Chairmanship of the State Bar Council.*

*The State Bar Council is requested and directed to extend its full cooperation to the Committee of the Bar Council of India in getting the matter/dispute resolved.*

*The Committee of Bar Council of India is requested to submit its report to the office of the Bar Council of India on or before 19.02.2022.*

*It is to be noted that such controversy/disputes in any Institution/state Bar Council causes serious damage to the institution and consequently goes against the interest of the Advocates of the State. The Bar Council of the State is the Apex Body of the lawyers of the concerned State and is supposed to deal with the cases relating to indiscipline among the lawyers.*

*It is the duty of Bar Council of India to maintain the*

*standard of the Legal profession. Unless the etiquette is thoroughly maintained by the Members of a State Bar Council, we cannot expect a good conduct and proper etiquette from the common lawyers of the State.*

*In that view of the matter, the afore-mentioned Committee is being constituted with the hope and expectation that all the existing controversies/disputes will be settled at the earliest.*

*During the pendency of the Revision Petition, all the Committees of State Bar Council of Madhya Pradesh, which were functioning before 12.12.2021 shall continue to function.*

*Put-up the matter on 26.02.2021.*

*Office is to communicate this order to all concerned in course of the day.*

*Order, Accordingly."*

This interim order is sought to be interpreted by the learned counsels differently. The contention being advanced by the learned counsel for respondent No.1 is that the interim order is only so far as it pertains to the Committees that have been constituted subsequent to 12.12.2021 and is not concerned with the post of the Chairman or otherwise. The learned counsel for respondent No.2, namely, the State Bar Council would submit that the interim order would be effective even so far as the post of the Chairman or Vice Chairman are also concerned.

Be that as it may, we are of the *prima facie* view that since the matter is directed to be listed for further consideration before the Bar Council on 26.02.2022, it would only be just and fair and in the interest of all concerned that the interim order of status quo granted by the Bar Council of India continues till that date or any other further date that may be decided by the concerned authority. In view of the fact that the interim order granted by the Bar Council of India is sought to be interpreted in various ways, we clarify the said interim order to the following effect:-

(I) That the order dated 15.12.2021 is to the effect that all the Committees of the Bar Council of Madhya Pradesh that were functioning prior to 12.12.2021 shall continue.

(II) The Chairman and Vice Chairman prior to 12.12.2021, namely, the petitioner No.1 and petitioner No.3 respectively, shall continue to act as the Chairman and Vice Chairman until further orders to be passed by the Bar Council of India.

We do hope and expect that the dispute is concluded as expeditiously as possible by the Bar Council of India. Hence, call in the first week of March, 2022.

The respondents may file counter, if any by then.

**(RAVI MALIMATH)**  
**CHIEF JUSTICE**

**(PURUSHAINDR KUMAR KAURAV)**  
**JUDGE**

Nitesh

