



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 2316/2022

Rajasthan High Court Bar Association

----Petitioner

Versus

State Of Rajasthan & Ors.

----Respondents



For Petitioner(s) : Mr. Rajendra Prasad, Sr. Adv. through
VC assisted by
Mr. Bhuvnesh Sharma
Mr. Girraj P. Sharma
Mr. Bharat Yadav
Mr. Rajaram Chaudhary
Mr. Ashok Yadav
Mr. Alok Atreya
Mr. Karan Tibrewal
Ms. Nidhi Khandelwal
Mr. Rajesh Kala

For Respondent(s) :

HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL

Order

08/02/2022

Amended Cause title is taken on record.

Mr. Rajendra Prasad, learned Senior Counsel submitted that the approval granted by the respondents No.1 & 2 for registration of 'Rajasthan High Court Senior Lawyers Association, Jaipur' under the Rajasthan Societies Act, 1958 is violative of Section 3 read with Clause 17 of the Schedule of The Emblems and Names (Prevention of Improper Use) Act, 1950 which prohibits use of name of the High Court of any State for any purpose without authorization. He submits that no such authorization has been issued in favour of the Association. He also objects to the use of word "Senior Lawyers Association" in the name of society as it is



in violation of Section 16 of the Advocate Act, 1961 (for brevity "the Act of 1961"). Referring the provisions of Section 16 of the Act, learned Senior Counsel submitted that there are only two classes of Advocates, i.e, Senior and other Advocates with no such nomenclature as designated Senior Counsel and hence, considering the reply filed by the respondent No.3 to the objection raised by the petitioner to its registration, approval for registration could not have been extended. Learned Senior Counsel submitted that registration certificate in favour of the respondent-Association is yet to be issued which may be issued any day.

Issue notice of the writ petition as well as of stay application. Rule is made returnable by five weeks. Notices be filed in two sets. One set of notices be sent through registered post with acknowledgment due. Steps to be taken within a week.

Heard learned counsel for the petitioner on interim relief.

Taking into consideration the contentions advanced by learned Senior Counsel and the material on record, the respondents No.1 & 2 are restrained from issuing registration certificate in favour of the respondent No.3 & 4, till further orders.

सत्यमेव जयते (MAHENDAR KUMAR GOYAL),J

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