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WP-35839-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE ANAND PATHAK

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HON'BLE SHRI JUSTICE B. P. SHARMA

ON THE 3rd OF SEPTEMBER, 2026WRIT PETITION No. 35839 of 2026*ANKLESHWAR DUBEY**Versus**STATE BAR COUNCIL OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Vivek Tankha - Senior Advocate (through v.c) with Shri Rameshwar Thakur - Senior Advocate assisted by Shri Rohit Sohgaure - Advocates for the petitioner.

Shri Prakash Upadhyay - Senior Advocate assisted by Shri Hitendra Kumar Golhani for respondents No.1 and 2.

Shri Ashish Kumar Kurmi - Advocates for respondent No.3.

None for respondent No.4.

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ORDER

Per. Justice Anand Pathak

Present petition under Article 226 of Constitution of India filed by practicing advocate seeking following relief :

- (i) issue an appropriate writ, order or direction in the nature of certiorari quashing the impugned order dated 25.08.2026 (Annexure-P/6) passed by. respondent No.2/Special Committee (Appeals), State Bar Council of



Madhya Pradesh, in Appeal No. 08/2026, whereby recounting of votes for the post of President, District Advocates Association, Sagar has been directed.

(ii) issue an appropriate writ, order or direction restraining the respondents from conducting or permitting any recounting of votes for the post of President of the District Advocates Association, Sagar -pursuant to the impugned order dated 25.08.2026.

(iii) protect and give effect to the election result declared after counting conducted on 22.08.2026 whereby the petitioner, having secured 573 votes, was declared elected to the post of President of District Advocates Association, Sagar.

(iv) in the alternative, and without prejudice to the principal reliefs, direct that no adverse order affecting the petitioner's election shall be passed without impleading the petitioner and affording him a full and effective opportunity of hearing in accordance with law

(v) Any other writ/order or direction deemed fit and proper in the facts and circumstances of the case be also granted.

2. It is the submission of learned senior counsel for petitioner that



impugned order dated 25.08.2026 passed in Appeal No.8/26 by Special Committee of State Bar Council of M.P. is arbitrary and illegal and contrary to the principles of natural justice. No opportunity of hearing was provided to petitioner and behind his back, impugned order was passed.

3. Matter pertains to election of District Bar Association of District Court, Sagar. Petitioner contested for the post of President. In total, 1350 votes were cast by advocates to elect their representatives. However, when ballot papers were counted, then, as contained in impugned order, 1355 ballot papers were found. Some mischief was anticipated. Therefore, Returning Officer decided to recount votes. However during deliberations, mob entered into office of Returning Officer and, under duress/intimidation Returning Officer recalled order of recounting. This gave cause of action to respondent No.3 to prefer an appeal before Special Committee and, on his appeal, impugned order dated 25.08.2026 was passed.

4. Learned senior counsel appearing for petitioner advanced arguments at length on previous occasion and raised question regarding authority of State Bar Council to exercise jurisdiction over manner and procedure of election conducted by any District Bar Association.

5. Learned counsel for respondents No.1 and 2 opposed contentions and advanced arguments while relying upon model bylaws issued by State Bar Council.

6. After considering the rival submissions, this Court raised suggestion regarding rehearing of case in view of fact that petitioner was not granted any opportunity of hearing. Graceful in their disposition, all parties agreed to proposition that if parties concerned are given opportunity of hearing to ventilate their grievances and address the issues raised, then they would be satisfied.



7. Considering the same, impugned order dated 25.08.2026, as it suffers from vice of natural justice, is hereby set aside. However, petitioner, respondents No.3 and 4 are granted liberty to appear before Special Committee (respondent No.2) and Special Committee shall hear the concerned parties, their pleadings and arguments as per law and thereafter ensure passing of a reasoned order under due intimation to the parties. Impugned order is set aside and matter is remanded back to Special Committee for reconsideration as directed.

8. Till issue is decided, result shall not be declared. Special Committee shall decide the case as expeditiously as possible, preferably within 15 days from passing of this order. Ballot papers and other election material shall be secured, and Returning Officer shall keep them in his custody. Special Committee may look into evidence if any produced or may requisition regarding election in question.

9. Writ petition stand **disposed of** with aforesaid directions.

(ANAND PATHAK)
JUDGE

(B. P. SHARMA)
JUDGE