



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF NOVEMBER, 2024

BEFORE

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

WRIT PETITION NO. 29591 OF 2024 (GM-RES)

BETWEEN:

1. RAJANNA R,
MEMBER KSBC,

2. MADHUSUDHAN M.N.,
MEMBER KSBC,

3. HARISH S,
MEMBER KSBC,

4. BASAVARAJU S,
SENIOR ADVOCATE - MEMBER KSBC,

5. GOUTAM CHAND S.F.,
MEMBER KSBC,





6. KANDIMALLA KOTESWAR RAO,
MEMBER KSBC,

...PETITIONERS

(BY SRI. ARUNA SHYAM M., SENIOR COUNSEL FOR
SRI. GOUTHAM A.R., ADVOCATE)

AND:

1. KARNATAKA STATE BAR COUNCIL,
BY ITS SECRETARY,
OLD ELECTION COMMISSION BUILDING,
DR. AMBEDKAR VEEDHI,
BENGALURU – 560 001.
2. CHAIRMAN,
KARNATAKA STATE BAR COUNCIL,
OLD ELECTION COMMISSION BUILDING,
DR. AMBEDKAR VEEDHI,
BENGALURU – 560 001.
3. VICE CHAIRMAN,
KARNATAKA STATE BAR COUNCIL,
OLD ELECTION COMMISSION BUILDING,
DR. AMBEDKAR VEEDHI,
BENGALURU – 560 001.

...RESPONDENTS

(BY SRI. D.R.RAVISHANKAR, SENIOR COUNSEL FOR
SRI.NATARAJ G., ADVOCATE)

THIS W.P. IS FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASH THE
RECONSTITUTION OF COMMITTEES DATED 28.10.2024 AS
DIRECTED BY THE R-2 AND 3 AT ANNEXURE – A AND ETC.,



THIS PETITION, COMING ON FOR ORDERS, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

ORAL ORDER

The petitioners are the elected member of the Karnataka State Bar Council (KSBC) and hold posts in various committees vide resolution No. 311/2022 dated 16.12.2022, and seek a writ in the nature of Certiorari to quash the notification dated 28.10.2024 in respect of Reconstitution of Committees issued by respondent Nos.2 and 3, in pursuance of the directions of Chairman and Vice-Chairman of the KSBC, Bengaluru, by which various Committees of respondent No.1- Karnataka State Bar Council (KSBC) were reconstituted.

2. The primary challenge to the reconstitution of the committees is that respondents No. 2 and 3 without following the Karnataka State Bar Council (Election of Chairman and Vice-Chairman) Rules, 1978 framed under Section 15 of the Advocates Act, 1961, have reconstituted the Committees. It may be pertinent to observe that the Bar Council of India had extended the tenure of the existing elected office bearers of the KSBC vide letter dated 03.11.2023 for the purpose of completing the process of verification of the members of KSBC. The letter clearly indicated that there shall be no change in the office bearers of the State Bar Council during the extended period.



3. Sri. D.R. Ravishankar, learned Senior Counsel representing respondent No.1 submits that the Chairman has been empowered to reconstitute the Committees in view of the unanimous resolution dated 16.12.2022 bearing No. 311/2022 passed by all Members of the State Bar Council. He further submitted that the petitioners were appointed as Members of various Committees by adopting the very same procedure by respondent No.2.

4. Sri Aruna Shyam, the learned Senior Counsel representing the counsel for the petitioners has placed on record the Rules of 1978 framed under Section 15 of the Advocates Act, which stipulates that all the Committees can be reconstituted only by holding election among the internal members through ballot.

5. Therefore, the reconstitution of various Committees of respondent No.1- Karnataka State Bar Council (KSBC) in pursuance of the directions dated 28.10.2024 issued by the Chairman and Vice-Chairman is contrary to the Rules, 1978 as it is settled law that where rules are framed under an Act, authority must be exercised in consonance with the Rules.

6. In light of the arguments presented and the material on record, it is pertinent to refer to the relevant case law on the importance of adherence to delegated legislation.



7. Where the issue that fell for consideration was whether policy/guidelines issued by the Chandigarh Administration was binding on a constituent college of the Punjab University, the Hon'ble Supreme Court has opined in the case of **Home Secy, U.T. of Chandigarh and Anr. v. Darshjit Singh Grewal and others, (1993) 4 SCC 25** that statutory rules and regulations are relatable to the exercise of executive power and therefore, the concerned authority was bound by it.

8. Referring to the same, the Division Bench of the High Court of Allahabad has elaborated on the exercise of statutory authority in the case of **Param Singh and Ors. v. State of U.P. in Special Appeal No. 1163 / 2018 : D.D. 19.11.2018** to the effect that *"the rule of law casts a duty on the administrative functionaries to act within the framework of the law, be it made by the legislature, subordinate legislation or executive orders issued under Articles 73 and 162 of the Constitution. They are also obliged to follow the circulars/memos and instructions issued by the Government."*

9. Furthermore, a perusal of the Rule 9 of the Rules of 1978 framed under Section 15(2)(h), (i) and (j) of the Act of 1961, clearly reveals that the Executive, Enrollment, Examination, Disciplinary, Privileges, Rules Committee, and other committees enumerated under Rule 9 thereof, must comprise of members elected by the Council from amongst its



members. Furthermore, Rule 14 thereof prescribes the term of the Committee other than the Disciplinary Committee, constituted after the expiry of the tenure of the first of each such committee, shall be for a period of two years from the date of the first meeting of the Bar Council.

10. In the case at hand, there is no dispute with regards to the veracity of the reconstitution of the committees, in pursuance of the directions dated 28.10.2024, and which are apparently not in consonance with the above referred Rules of 1978. When the rules stipulate the procedure for constituting committees, the respondents cannot disregard or bypass the rules and constitute committees in violation thereof. The impugned reconstitution is unilateral and is violative of the democratic nature of the constitution of committees, as envisaged under the relevant Rules of 1978.

11. The fact that the petitioners were previously appointed as members of the committees by respondent No. 2 cannot serve as a justification for reconstituting the committees in violation of the prescribed rules. Such an action would set a precedent that undermines the mandatory nature of the rules governing the constitution of committees and would render the regulatory framework redundant. Rules framed under statutory authority are meant to ensure transparency, consistency, and fairness in governance, and any deviation from them without due process weakens their legal sanctity and democratic intent.



12. Therefore, the exercise of statutory authority by respondents No. 2 and 3 in reconstituting the committees, in violation of the Karnataka State Bar Council (Election of Chairman and Vice-Chairman) Rules, 1978, is not legally valid.

13. Accordingly, I pass the following:

ORDER

- i. Writ petition is allowed.
- ii. The reconstitution of Committees dated 28.10.2024 issued by respondent Nos.2 and 3 at Annexure-A is hereby quashed.
- iii. Liberty is reserved with the respondents to reconstitute the Committee, in accordance with law.

**Sd/-
(HEMANT CHANDANGOUDAR)
JUDGE**

RKA