

APHC010297262025



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3209]

TUESDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION No: 15063 of 2025

Between:

1. PARITALA SURESH RAO, S/o. PRASAD, AGED ABOUT 46 YEARS,
ADVOCATE, R/o. D. No.4-3, EAST VEERAYAPALEM VILLAGE, DARSI
MANDAL, PRAKASAM DISTRICT, A.P.

...PETITIONER

AND

1. THE BAR COUNCIL OF AP, REP. BY ITS SECRETARY, GROUND
FLOOR, HIGH COURT BUILDINGS, NELAPADU, AMARAVATI,
ANDHRA PRADESH.

2. BAR ASSOCIATION DARSI, REP. BY THE SECRETARY, DARSI,
PRAKASAM DISTRICT, A.P.

3. GADDI SRINIVASULU, THE ELECTION OFFICER, BAR ASSOCIATION,
DARSI, DARSI, PRAKASAM DISTRICT, A.P.

4. PATTI VEERA VENKATA BASAVESWARA RAO, ADVOCATE, BAR
ASSOCIATION, DARSI, R/O. PODILI ROAD, DARSI VILLAGE AND
MANDAL, PRAKASAM DISTRICT, A.P.

5. PALLEPAGA PREM KUMAR, ADVOCATE, BAR ASSOCIATION, DARSI,
R/O. DARSI VILLAGE AND MANDAL PRAKASAM DISTRICT, A.P.

...RESPONDENT(S):

Counsel for the Petitioner:

1.Mr.SRINIVASA RAO NARRA

Counsel for the Respondent(S):

1.Mr.KALE VIJAYA RAJU

2.Mr.P NARAHARI BABU

3.Mr.K NARSI REDDY

4.Mr.T V JAGGI REDDY

The Court made the following order:

The dispute in the present writ petition is with regard to Election for the post of President of Darsi Bar Association.

2. The petitioner is seeking to declare the 5th respondent's election to the said post on 19.05.2025 as illegal, arbitrary, discriminatory and violative of the Bar Council of the Andhra Pradesh Rules and further to declare that the petitioner is duly elected for the said post as he secured highest votes in the First Election conducted on 09.05.2025. A further direction to the 1st respondent / Bar Council to take action against the respondent No.3 / Election Officer, who cancelled the Election conducted on 09.05.2025 was also sought for.

3. Heard learned counsel for the petitioner. Also heard learned counsel representing the counsel for the 1st respondent. The 2nd respondent entered appearance through Mr.T.V.Jaggi Reddy. However, the learned counsel represented that the 2nd respondent took 'No Objection' from him. Be that as it may.

4. Mr.Narra Srinivasarao, learned counsel for the petitioner made submissions to impress upon the Court that the Election of the 5th respondent for the post of President of Darsi Bar Association is illegal etc., and the same is liable to be declared as invalid. His foremost contention was that the Election which was initially conducted on 09.05.2025 was cancelled on the premise that

more numbers of votes polled for 'NOTA', than the two contested candidates. He submits that the petitioner got more number of votes i.e., 9 than the respondent No.4, who got 7 votes, that the petitioner made a representation dated 10.05.2025 to the Election Officer to declare him as 'elected', as he got higher votes. He submits that 'NOTA' does not in any way effect the outcome of the Election and in fact 'NOTA' option was added in the Ballot paper even though as per Bar Council Rules, no 'NOTA' option is there. However, the said representation was considered, he adds.

5. The learned counsel further submits that subsequently on 14.05.2025, a Second Election Notification was issued for election to the post of President of Darsi Bar Association and though it was informed that the election will be conducted on 22.02.2025, surprisingly on 19.05.2025, the respondent No.3 without issuing any statement, posted a message in the Darsi Bar Association Members' Whatsapp group that only one candidate submitted nomination, that the same was accepted and the 5th respondent is declared as elected for the said post. He submits that as the Second Election Notification was issued unilaterally and the 5th respondent was declared as elected for the post of President without conducting election, the said election is illegal. Making the said submissions, he seeks the reliefs prayed for, by allowing the writ petition.

6. Mr.M.K.Rajkumar, learned counsel representing the first respondent's counsel made submissions drawing the attention of this Court to the Model bye-

laws for Bar Association (Ex.P4) and in the light of the said bye-laws, which were adopted by the Darsi Bar Association, any dispute shall be resolved by a Committee constituted by Bar Council and the writ petition is not maintainable.

7. This Court has considered the submissions made and perused the material on record. The emphatic submissions made by the learned counsel for the petitioner, in the considered opinion of this Court, merits no appreciation for two reasons. Firstly, as seen from Ex.P3, which is in vernacular language, the Election would be cancelled in the event, more number of votes are polled to 'NOTA', than the contested candidates. The petitioner knowing fully about the said aspect contested in the Election. He cannot turn around now and seek a declaration that he is elected as he got number of votes in the Election conducted on 09.05.2025. Secondly, if the Second Election was not properly conducted and the Election Officer had declared the 5th respondent without even conducting the Election, the same falls within the purview of "Disputes" as per Bye-law No.25. Nothing is placed on record complaining about the improper conduct of said election, much less to the Bar Council of Andhra Pradesh. Therefore, in the light of the above stated position, the petitioner is not entitled for the relief sought for.

8. With regard to the maintainability of the writ petition, it is apt, to refer to the case of **Secretary Alipore Bar Association v. Subir Sengupta and Others**¹,

¹ 2024 SCC OnLine Cal 3597

wherein a Division Bench of High Court of Calcutta was examining the issue as to whether the election to the Bar Association is amenable to the writ jurisdiction under Article 226 of the Constitution of India. In Para No.19, it was *inter alia* held as follows:

“19. Regard being had to our discussion Supra we feel constrained to hold here that the Alipore Bar Association being not a state “other authority” or “agency or instrumentality” of the state within the meaning of Article 12 and “authority or person” discharging public function within the meaning of Article 226, writ against Alipore Bar Association that too in the matter of election to the Bar Association is not maintainable. In other words Alipore Bar Association is not amenable to the writ jurisdiction of this Court. We would like to clarify here that a Bar Association can be made party in a writ petition along with other statutory authority/authorities discharging statutory/sovereign function for the limited purpose that the order passed under writ jurisdiction shall be binding on that Bar Association. If we follow the matter of the Bar Association as emphasis laid in different decisions by Hon'ble Supreme Court and different High Court as discussed supra, in the same corollary can we say that the employees association of different court including High Court are amenable to the writ jurisdiction of the High Court only because the members of such association are indispensable for delivery of justice.”

9. Though an appeal was preferred against the above said judgment, the S.L.P., was withdrawn and the Hon'ble Supreme Court *vide* Order dated 19.07.2024 disposed of the S.L.P., keeping the question of Law open.

10. The petitioner in the present case, as noted above, has not made any complaint even for the name sake against the respondent No.3 to the Bar Council of A.P., let alone an averment in the writ petition to that effect. The

petitioner straightaway filed the writ petition without even approaching the Bar Council of Andhra Pradesh for redressal of the grievance, if any. In such circumstances, no direction as sought for against the respondent No.3 can be granted. The writ petition is misconceived.

11. For the foregoing reasons, the writ petition is dismissed. No costs. Consequently, all pending applications shall stand closed.

JUSTICE NINALA JAYASURYA

BLV
Dt. 17.02.2026

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

W.P. No: 15063 of 2025

Date: 17.02.2026

BLV