

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 437 of 2026**

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DHRUMIL HARISHKUMAR SHUKLA
Versus
BAR COUNCIL OF GUJARAT & ANR.

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Appearance:

MR MIHIR THAKORE, SR. COUNSEL, WITH MR JAY M THAKKAR(6677)
for the Petitioner(s) No. 1
MR SAURABH J MEHTA(2170) for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE

Date : 19/01/2026

ORAL ORDER

1. Heard Mr. Mihir Thakore, learned Senior Counsel for the petitioner and Mr. Saurabh J. Mehta, learned advocate for the respondent No.1 Bar Council of Gujarat.

2. It is submitted by the learned Senior Counsel for the petitioner that by a Notification dated 18.09.2025, the respondent No.1 – Bar Council of Gujarat declared the entire schedule of elections to be held on 19.12.2025 of all the Bar Associations in the State of Gujarat in accordance with the Gujarat Bar Association Rules, 2015 [*“Rules, 2015”* for short]. He submits that accordingly, the Election Commissioner published the schedule of election of the Umreth Bar Association 2025-2026 and election came to be held for the office bearers of the Umreth Bar Association on 19.12.2025. Thereafter, the results of the election also came to be declared on the same day and the petitioner herein was declared to have been elected as a President of the Umreth Bar Association by securing 41 votes. A copy of the election result was also sent to the Bar Council of

Gujarat by the Election Commissioner on 22.12.2025. That thereafter, the erstwhile President of the Umreth Bar Association issued a notice calling for a meeting on 22.12.2025 with an agenda to discuss the constitution of the Umreth Bar Association. In the said meeting, the erstwhile President and the Secretary took a decision that the constitution should be followed and necessary action shall be taken by the Bar Council of Gujarat. Accordingly, some members of the Umreth Bar Association addressed a communication to the Election Commissioner urging to cancel the entire election held on 19.12.2025 and conduct the election process afresh. The copy of the resolution also came to be sent to the Bar Council of Gujarat. On 23.12.2025, the Secretary, Bar Council of Gujarat issued a letter calling upon the aggrieved parties to remain present on 24.12.2025. That thereafter, the concerned Committee of the Gujarat Bar Council has passed a resolution/order dated 27.12.2025 directing the members of the Umreth Bar Association to call for General Meeting and thereby appoint and constitute a Committee of 5 Senior Advocates which shall examine and find appropriate solution to the disputes. That pursuant to such direction of the Gujarat Bar Council, the Umreth Bar Association in Circular meeting on 05.01.2026 appointed a Committee consisting of 5 Advocates. This Committee by order dated 05.01.2026 has cancelled the entire election held under the aegis of Bar Council of Gujarat and has further dismissed the newly elected office bearers. Learned Senior Counsel submits that the so called Committee of the Umreth Bar Association has no authority to cancel the entire election and declare fresh elections and further dismiss the newly elected office bearers and appointing itself as the

Administrator of the Bar Association in the interregnum period. He submits that no effective and meaningful opportunity was also afforded to the newly elected office bearers before taking such a decision. He further submits that the Committee of 5 Advocates have self appointed itself as an Administrator of the Umreth Bar Association under the guise of resolving the disputes. He submits that even otherwise, the dispute in respect of the alleged bye-laws prescribing 15 years of practice to contest to the post of office bearers is contrary to Rule 46 of the Rules, 2015.

3. Mr. Saurabh Mehta, learned advocate for the respondent No.1 Bar Council of Gujarat submits that some aggrieved members of the Umreth Bar Association had approached the Bar Council of Gujarat against the order dated 19.12.2025 passed by the Election Commissioner. He submits that thereafter the meeting of the Committee of the Gujarat Bar Council had been convened on 24.12.2025 and all the aggrieved parties were given due hearing. He submits that thereafter as per the Rules, 2015 and in particular Rule 49(g) thereof, the Gujarat Bar Council Chairman is empowered to constitute a Committee which shall decide such election disputes. He submits that in the present case, the Bar Council Committee has directed to constitute a Committee of 5 Advocates to be elected from the registered members of the Umreth Bar Association who were to decide the disputes in question so raised by the members of the Umreth Bar Association. He submits that the dispute was relegated to the Committee of 5 Advocates which has then taken appropriate decision. He further submits that since the Umreth Bar Association is an unregistered association, no writ can lie

against such a body and therefore, the decision cannot be challenged by way of present writ petition.

4. Heard learned counsels for the parties and perused the documents on record.

5. It appears that there is a violation of Rule 49(g) of the Rules, 2015 in as much as the said provision states that the Bar Council Chairman shall constitute a Committee to decide any dispute in respect of the election to the Bar Association and its office bearers. In the present case, the Committee was duly constituted by the Chairman of the Bar Council of Gujarat. However, the said Committee has further relegated the dispute to a Committee of 5 Advocates to be elected from the registered members of the Umreth Bar Association and this Committee has further set aside the election results and dismissed the newly constituted Managing Committee of the Umreth Bar Association which, *prima facie*, seems to be contrary to Rules, 2015.

6. **Issue Notice returnable on 23.02.2026.**

7. In the meanwhile, there shall be ad-interim stay in terms of prayer clause 10-D till the next date of hearing.

In addition, Direct Service is permitted on respondent No.2.

KAUSHIK D. CHAUHAN

(ANIRUDDHA P. MAYEE, J.)