



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CWP-14793-2026 (O&M)
Date of Decision: May 13, 2026

Sapna Seth Advocate

...Petitioner

Versus

Election Committee Punjab Haryana High Court Bar Association
Chandigarh

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI
HON'BLE MRS. JUSTICE RAMESH KUMARI

Present: Ms.Sapna Seth, Advocate-petitioner-in-person and
Ms.Poonam Saini, Ms.Sonesh Kumari, Ms.Samiksha,
Ms.Muskan, Ms.Pooja Dahiya, Ms.Karishma,
Ms.Neha and Ms.Babita, Advocates.

Mr.Rupinder Khosla, Senior Advocate with
Mr.I.P.S.Kohli, Mr.S.S.Momi, Mr.A.S.Rana,
Mr.Sonu Giri, Mr.Rajiv Goel and Ms.Meenakshi Singh, Advocates
for the respondents.

ARCHANA PURI, J.

The petitioner has invoked the jurisdiction of this Court under Article 226/227 of the Constitution of India for issuance of writ in the nature of certiorari for quashing the action of respondents declaring, the petitioner ineligible for contesting the post of Vice-President of the Punjab and Haryana Bar Association, vide the list of candidates published on 08.05.2026.

Also, the petitioner sought issuance of writ of mandamus, thereby, directing the respondents to accept the nomination of the petitioner and permit her to contest the elections.

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It is averred in the petition that the petitioner is practicing Advocate, duly enrolled with Bar Council of Delhi, in the year 2007 and she became member of the Punjab and Haryana High Court Bar Association, Chandigarh, in the year 2019 on 24th September and since then, has been regularly participating in the activities of the Association and contributing to the professional work of the Bar.

Furthermore, it is averred that the elections of the Punjab and Haryana High Court Bar Association are governed by the Bar Associations (Constitution and Registration) Rules, 2015 framed by the Bar Council of Punjab and Haryana, as amended upto September 2021. The copy of the election schedule dated 05.04.2026 is Annexure P-1. The said Rules were enacted with the objection of bringing uniformity, transparency and consistency, in the functioning and election process of Bar Associations, within the jurisdiction of the Bar Council. As per the aforesaid Rules of 2015, the eligibility criteria for the post of Vice President requires that the candidate must be a member, having minimum five years of regular and active practice, from the date of enrollment with the Bar Council.

The petitioner submitted her nomination for the post of Vice President, within the prescribed time in the ongoing election process. Even, the Election Committee issued an objection list dated 24.04.2026, wherein certain members, including the petitioner, were placed under objection under serial No.66 and barred from casting their votes, on the ground that they were enrolled with other State Bar Councils. The said objection list was issued under the framework of 2015 Rules. The objection raised against the petitioner was promptly clarified and removed by the petitioner

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by completing the process of transfer of enrollment from Bar Council Delhi to Bar Council, Punjab and Haryana. After clearing the objection, the petitioner duly filed her nomination along with fee of Rs.18,000/- on 06.05.2026, in the bonafide belief that she fulfills all eligible conditions and that no impediment remained in her candidature.

However, the petitioner was called by the Election Committee on 08.05.2026 at about 2.30 p.m. and was orally informed about her being declared ineligible to contest the election for the post of Vice President by relying upon Clause 12(2) of the Amended Punjab and Haryana High Court Bar Association Rules, 2018, which prescribes a requirement of eight years' membership for the said post. The petitioner was forced to withdraw her nomination, upon which, she had asked for some time, but after two hours, she was declared ineligible to contest the elections and her nomination was cancelled.

Circular/notice was published on 08.05.2026, stating the list of candidates, competing in the elections. Further also, the Election Committee was even reluctant to give the Rules 2018, as those Rules were not available on any public platform, even not displayed at notice board and only the fee structure, to contest the elections is displayed on the notice board.

Further, it is also averred that the petitioner was defamed by publishing her disqualification on the news channel, namely, 'babushashi.com'-the insight Darbar, on the same date i.e. 08.05.2026. The said ground of ineligibility had never been communicated at any earlier stage. Also, it is averred further that she had submitted written representation dated 08.05.2026, requesting for re-consideration of the

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decision and also the applicability of Bar Council Rules, 2015 (as amended upto September 2021) and the arbitrariness in invoking different Rule, at the final stage of the election process.

Further, it is asserted that the petitioner's representation was never considered and without passing any reasoned or speaking order, the Election Committee, published the final list of candidates on 08.05.2026, wherein the petitioner's name was marked as 'ineligible', citing Clause 12(2) of the 2018 Rules. This conduct of the respondents reflects complete inconsistency and arbitrariness, as the Election Committee initially relied upon 2015 Rules (as amended upto September 2021), which is considered as basic constitution for conducting election, while issuing the objection list dated 24.04.2026, but subsequently relied upon 2018 Association Rules, for declaring petitioner ineligible, after the nomination process had concluded.

Also, it is further asserted that respondent-association thus failed to maintain transparency in the election process. Specific grounds were also mentioned in the petition, thereby, stating that the impugned action of the respondents is arbitrary and violative of Article 14 of the Constitution of India. She fulfills the eligibility criteria under the Bar Associations (Constitution and Registration) Rules, 2015, which require a minimum of five year of active practice from the date of enrollment. The sudden declaration of ineligibility by invoking different set of Rules, at the final stage of the election process, amounts to arbitrary exercise of power and hostile discrimination.

Since, Rules of 2015 were framed, the local inconsistent ineligibility criteria through internal amendments, as such, could not be made. Rather,

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imposition of eight years' membership requirement defeats the mandate of uniformity and recreates the very inconsistency, which the 2015 Rules were enacted to eliminate. As such, the conflicting eligibility condition of eight years' membership through local Rules is inconsistent to the Rules of 2015. The Election Committee, as such, cannot change the rules of the game, after the election process was initiated. The mid-term process change in eligibility criteria is impermissible. Even, the respondent Association had failed to publish its bye-laws and eligibility criteria, on its official website, thereby, depriving members of the opportunity to know and verify the governing Rules.

The petitioner was denied natural justice and the Election Committee had also deprived her of fair consideration of candidature and thus, the Committee is estopped from rejecting her candidature. In fact, the objection list dated 24.04.2026 was based on erroneous interpretation of eligibility, which also undermines the democratic rights of the members of the Bar.

Thus, a prayer has been made for acceptance of the writ petition.

In pursuance of the notice issued, the Election Committee, Punjab and Haryana High Court Bar Association, Chandigarh, had made appearance and filed the reply.

In fact, in reply, it is stated that the petition is misconceived, factually incorrect and legally untenable. It is asserted therein, that an attempt has been made to project, as if the Election Committee has arbitrarily applied two different sets of Rules, during the election process. However, it is submitted that it is the Rules of 2015 only, which have been amended in view of the provision provided in the 2015 Rules, which

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recognised the Bar Association to amend its existing Constitution/Bye-laws, as per Rule 6-A of the said Rule. It is also asserted that amendment in the Rules was made in the year 2018, after much deliberations and by following the due process.

So far as, the post of Vice President is concerned, after the amendment, Rule 12(2) (a) prescribed minimum eligibility requirement of eight years' membership with the Punjab and Haryana High Court Bar Association. Admittedly, the petitioner does not fulfill the said eligibility condition, as she became member of the Punjab and Haryana High Court Bar Association only w.e.f. 24.09.2019. The petitioner has not laid any challenge to Rule 12(2) (a) of the Amended Punjab and Haryana High Court Bar Association Rules, 2018. The vires, validity, legality or enforceability of the said Rules, are not under challenge in the present writ petition. In the absence of any challenge to the said Rules, the petitioner cannot seek a mandamus, contrary to the applicable and subsisting eligibility Rule.

The Election Committee is bound by the exiting Rules and cannot ignore, dilute, relax or re-write the eligibility criteria, prescribed therein, merely to accommodate any individual candidate. It is also alleged that the requirement of eight years' membership was made, in the amendment of the year 2018. The eligibility to cast vote and eligibility to contest for a particular office, are entirely distinct concepts. Merely, because of person is eligible to vote, does not mean that such person automatically becomes eligible to contest for every post of the Association. The right to contest for the post of Vice President is subject to fulfillment of specific eligibility requirement, prescribed under Rule 12(2) (a) of the Amended

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Rules of 2018, namely minimum 8 years' membership with the Punjab and Haryana High Court Bar Association.

Further, also it has been asserted in the reply that the Election Committee had notified the elections and the election schedule well in advance. Also, the detail of the dates fixed for the nominations to be filed and also scrutiny of the papers as well as withdrawal from the candidature, has been stated therein. Further, it is averred that the petitioner had filed nomination papers on 06.05.2026. During the process of scrutiny of nomination papers, an objection was raised by the Election Committee qua the nomination papers of the petitioner, as her membership with the Punjab and Haryana High Court Bar Association was less than eight years. However, to be doubly sure and to avoid any possible error, a fresh report was called from the Accounts Branch, which confirmed the position that the petitioner became member of the Punjab and Haryana High Court Bar Association w.e.f. 24.09.2019.

In fact, she was telephonically called in the election committee room, where, she was explained about the relevant rules and in fact, she fairly accepted her ignorance about the amended Rules of 2018. The plea of alleged ignorance of the amended Rules of 2018, is wholly misconceived and cannot confer eligibility upon the petitioner. In fact, a person seeking to contest for the post of Vice President of Punjab and Haryana High Court Bar Association, is expected to acquaint herself with the relevant Rules, bye-laws and eligibility provisions, before filing the nomination papers. The amended Rules were readily available with the Accounts Branch of PHHCBA, in the office of PHHCBA and in the election committee room.

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Therefore, she cannot plead ignorance of the applicable rules. While publishing the tentative candidates list on 08.05.2026, the petitioner was declared ineligible.

Also further, it is averred that the allegation of the petitioner that she submitted an application dated 08.05.2026, attached with the petition as Annexure P-6, to the Election Committee on 08.05.2026, is wrong and false. No such letter/application was ever received by the Election Committee on 08.05.2026. After filing of the instant writ petition, the petitioner came to the committee room on 11.05.2026, at about 11.50 and submitted the said document, which was annexed by her as Annexure P-6. The petitioner had made wrong statement about alleged submission of Annexure P-6 on 08.05.2026.

The petitioner had also approached the Grievance Committee of the Punjab and Haryana High Court Bar Association on 11.05.2026, assailing the decision of the Election Committee. However, the said complaint was withdrawn by the petitioner on 11.05.2026 itself, on the pretext that she wishes to pursue her challenge only before the Hon'ble Court. This fact, was not even disclosed in the writ petition.

So far as, rules of game having allegedly changed, it is also asserted that amended Punjab and Haryana High Court Bar Association Rules were already in existence and were applicable to the election process and therefore, the principle that rules of game cannot be changed after the commencement of the game, has no application to the facts of the present case.

The Election Committee has acted fairly, uniformly, bonafidely



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and strictly in accordance with applicable rules. As such, a prayer has been made for dismissal of the writ petition.

The petitioner as well as counsel for the respondents heard.

The petitioner is the member of the Bar. Undisputedly, she was enrolled as member of Punjab and Haryana High Court Bar Association w.e.f. 24.09.2019. However, in the ongoing election process of 2026, the petitioner has applied for the post of Vice President.

Throughout the arguments, the petitioner has emphatically submitted about the election process to have been initiated under the Bar Association (Constitution and Registration) Rules, 2015. However, after the initiation of the election process, the respondents, as such, had switched over to the Rules of 2018, wherein, the minimum duration of membership of Punjab and Haryana High Court Bar Association for the candidates to be eligible for the post of Vice President, was eight years. It is submitted that Rules of 2015 could not amended as the requisite condition, as such, could not be replaced from five years to eight years' membership.

In this context, when the period of duration of membership of the petitioner, as evident from the enrollment w.e.f. 24.09.2019 is concerned, in the list of candidates prepared by the Election Committee of Punjab and Haryana High Court Bar Association 2026, for the post of Vice President, she was stated to be **ineligible**, 'as the minimum duration of membership of 8 years as per Clause 12(2) of Amended Punjab and Haryana High Court Bar Association Rules, 2018, was not complete'.

Though, it is asserted that no change in the Rules, as such, can be made but however, suffice to consider Rule 6A of the *ibid* Rules,

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wherein, it is categorically stated '*The amendment in the existing constitution/bye-laws can be done by the Bar Association as per its own constitution/bye-laws*'. Thus, it is evident that the said Rules themselves recognise the power the Association to amend its existing constitution/bye-laws.

It was, therefore, on the basis of this provision, the amendment was carried out in Clause 12 and 13. The amendment of 2018 Rules reveals that the eligibility condition of the candidates to the various posts of the Executive Committee, as mentioned therein, was amended. As per the same, for the post of Vice President, the minimum duration of membership of Punjab and Haryana High Court Bar Association was stated to be eight years. It is in this context, the nomination papers of the petitioner were held to be ineligible, as admittedly, the date of membership of the petitioner with Punjab and Haryana High Court Bar Association is 24.09.2019. Thus, she does not fulfill the condition of eight years' membership.

It is pertinent to mention that Rules of 2015, have a provision for amendment of the Rules and in consonance with the same, after following the due process, the amendment was carried out.

Along with the reply, various annexures have been filed, thereby, stating about the process followed for carrying out the amendment. Firstly, notice in general was issued about the proposed amended election Rules and suggestions in writing, were called from the members of the Bar. In fact, the suggestions had come from the members of the Bar and thereupon, the draft of the Rules was framed, wherein, the minimum duration of the membership of Punjab and Haryana High Court Bar

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Association for the post of Vice President was stated to be 15 years. However, after having multiple meetings, the Rules were framed and as per the amended Rules of 2018, the minimum duration of membership for Punjab and Haryana High Court Bar Association for the post of Vice President was stated to be eight years.

Throughout the arguments, the petitioner had made an attempt to project, as if the Election Committee has arbitrarily applied two different sets of Rules, during the election process. But it is not so. In fact, it was on the basis of the Rules of 2015 that amendment was carried out in the year 2018 and on the basis thereof, the minimum duration of membership for Punjab and Haryana High Court Bar Association for the post of Vice President was changed from five years to eight years.

Considering the same, in any manner, it cannot be said that the rules of game have been changed, during the election process, as Rules of 2015 with amendment were being followed.

The Rules coming forth, also state about the same to be Bar Association (Constitution and Registration) Rules, 2015 amended upto September 2021. Once the Rules of 2015 were being followed, though with amendment, it cannot be said that rules of game, as such, have been changed. In fact, the principle that rules of game, cannot be changed after the commencement of the game, as such, is not attracted to the case in hand.

Furthermore, though it is claimed that the petitioner was not supplied the copy of the Rules, but however, it is nowhere requirement of the Election Committee to supply the same to the petitioner. In fact, it is claimed that the Rules were displayed on the notice board and the same



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were readily available with the Accounts Branch of PHHCBA, in the office of PHHCBA and in the election committee room.

It is pertinent to mention that the version of the petitioner about she being ignorant of the amendment so made, stands belied from her own nomination form. It is further pertinent to note the amendment was also made in 2018 to the effect, as herein given:-

“(e) No member of the Association shall be eligible to contest for any post in the election unless the member has appeared and his appearance is recorded in cases before the Hon’ble Punjab ad Haryana High Court on at least 8 different dates in the preceding year upto last day of February of the year in which Elections are being held.”

Taking into consideration aforesaid amendment, the nomination form Annexure R-2 is required to be considered. Therein, the petitioner had specifically mentioned about 8 orders of different dates depicting appearance before the Hon’ble High Court in the preceding year between 28.02.2025 and 28.02.2026. The aforesaid provision of appearance on 8 different dates, was never part of initial Rules of 2015. This condition came into existence in the year 2018. If the petitioner was not having any knowledge about the Rules of 2018, then, in what manner, she had made this assertion of having made appearance on 8 different dates in the preceding year i.e. between 28.02.2025 and 28.06.2026, in the nomination form. Even, the petitioner had herself stated in the petition that fee was also deposited, as per the amendment of Rules 2018.

On query by the Court, the petitioner has also disclosed that this was so displayed on the notice board. If, as admitted by the petitioner,

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this Rule was evidently displayed on the notice board of the Bar Association and also of the 8 different dates' order, as coming forth, after the amendment of Rules of 2018, it cannot be in any manner, stated that there was only piecemeal display of the Rules. Further also, a query was put by the Court to the petitioner, as to whether, before filing of the nomination form, she had verified about the Rules applicable and she expressed her ignorance of having verified the Rules, applicable for the election process.

Not only this, it is pertinent to mention that as per the Rules, there is Election Disputes Redressal Committee to be constituted every year for the upcoming elections of Punjab and Haryana High Court Bar Association. The constitution of the Election Disputes Redressal Committee is given in Clause 6. The rejection of the nomination was made by the Election Committee on 08.05.2026. The detailed order was passed, on the basis of the aforesaid Rules, having been considered and only thereupon, the nomination papers of the petitioner for the post of Vice President, were held to be not acceptable and were rejected.

Even, the petitioner had filed an appeal, which fact, as such, was not disclosed in the writ petition. Further, the said appeal was withdrawn by the petitioner. The copy of the order is Annexure R-4. During the course of arguments, it is submitted by the petitioner herself that it was under constrained circumstances, she had to withdraw the appeal. Even, if it be so, it was never brought to the notice of this Court, at the inception stage.

Even though, it is stated that the complaint was made, at the earliest, by sending an E-mail, but however, on query, the petitioner admitted that hardcopy was given on 11.05.2025 and the same was also

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considered and thus, rejected by the Election Committee.

Such being the process followed by the Election Committee of Punjab and Haryana High Court Bar Association, more particularly, when the amendment, so made to Clause 12, as such, was never challenged, considering the minimum eligibility not being fulfilled, the nomination form of the petitioner has been appropriately considered and rejected by the Election Committee of Punjab and Haryana High Court Bar Association and the Election Committee acted fairly, uniformly and strictly in accordance with the applicable Rules.

Hence, the writ petition sans merit and the same is hereby dismissed.

(ARCHANA PURI)
JUDGE

May 13, 2026
Vgulati

(RAMESH KUMARI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No