

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.16871/2001

(From the judgement and order dated 20/12/2000 in WP 6525/2000  
of The HIGH COURT OF CALCUTTA)

BAR COUNCIL OF INDIA & ANR.

Petitioner (s)

VERSUS

RAM CHANDRA PRASAD & ORS.

Respondent (s)

(With prayer for interim relief)  
( With Appln(s). for c/delay in filing SLP and office report)

Date : 07/01/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIAK  
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s) Mr. P.P. Rao, Sr. Adv.  
Mr. Sanjeev Sachdeva, Adv.

For Respondent (s) R-1 in person

UPON hearing counsel the Court made the following  
O R D E R

.....L.....I.....J  
.SP2

Two contentions are advanced by the petitioner in this special leave petition. One, without noticing the Bar Council of India (BCI), the Division Bench of the Calcutta High Court could not have disposed of the matter, particularly when it is the final order of the BCI suspending the respondents' licence for five years which was the subject matter of challenge before the High Court; and two - in view of the provisions contained in Section 38 of the Advocates

Act, 1961, the High Court should not have exercised its discretionary jurisdiction under Article 226 of the Constitution of India. It may not be necessary for us to examine the correctness of the second submission if, on the first contention, we agree that the order is vitiated for non-service of notice on the BCI. The respondent who has

entered appearance in person, however, contends that under the Rules of the Calcutta High Court no notice is required to be given to the party (BCI in this case) if a copy of the application to be filed has already been served. He undertakes to produce the relevant Rules of the Calcutta High Court in this regard.

Put up this matter on 11th February, 2002.

.SP1

(J.S. Rawat)  
Court Master

(Suneet Bala Sharma)  
Court Master