

(2002) 11 PAT CK 0061
In the Patna High Court
Case No : CWJC. No. 12997 of 2002

Raj Kumar Paswan

APPELLANT

Vs

Sri V.N. Sinha, Returning Officer, Bihar State Bar Council and
Others

RESPONDENT

Date of Decision : 22-11-2002

Acts Referred:

Citation : (2003) 2 PLJR 869

Hon'ble Judges : Ravi S. Dhavan, C.J;R.N. Prasad, J

Bench : Division Bench

Advocate : Bhupendra Kumar, for the Appellant; R.K. Dutta, for B.S.B.C. and
S.N. Pathak, for Union of India, for the Respondent

Judgement

1. Regard being had to the context of the matter, the Court will be very brief in its order without going on merits of this issue.
2. The Petitioner Raj Kumar Paswan, an Advocate of the High Court, has filed this writ petition, in effect, seeking stay of the Bihar State Bar Council. Besides the Bihar State Bar Council and ex-officio representation, 112 Respondents have been arrayed. It appears that all the candidates who are standing for election, have been made the party-Respondents.
3. On merits, the petition is critical about the content of reservation of candidates who are standing and who could stand for the election. Any programme for election scheduled, which election, in fact, is taking place today, the Petitioner admits in paragraph-1 had been announced last September, 2002.
4. In the circumstances, if the Court were to make a mistake to issue notices on this petition when the process of election is on, it is likely to confuse the arena of election. Settled law is very clear that midway elections be not disturbed unless there is a patent lack of jurisdiction which is not an issue in the present case. Filing the petition midstream during elections, the Court feels is not appropriate.