
(2018) 03 DEL CK 0406

In the Delhi High Court

Case No : Civil Writ Petition No. 2285 Of 2018

Sugandha Khaitan

APPELLANT

Vs

Bar Council Of Delhi

RESPONDENT

Date of Decision : 12-03-2018

Acts Referred:

Citation : (2018) 03 DEL CK 0406

Hon'ble Judges : Rajiv Shakdher, J

Bench : Single Bench

Advocate : T. Singhdev, Tarun Verma, Amandeep Kaur, Michelle Biakthan Sangi, Puja Sarkar, Abhijit Chakravarty

Final Decision : Disposed Of

Judgement

Rajiv Shakdher, J

1. The only direction which the petitioner seeks in the present writ petition is that the respondent should add her name in the electoral list in respect of elections to be held for Bar Council of Delhi (BCD).

2. The petitioner, who appears in person, says that she was admitted provisionally to the BCD as she had to clear the All India Bar Exam (AIBE). It is the petitioner's case that she obtained her AIBE result only on 09.03.2018. A download of the result, as obtained from the web, has been placed before me.

3. Mr. Singhdev, who appears on advance notice, says that the elections to BCD are being held in accordance with the directions issued by the Supreme Court in Transfer Case (Civil) No.126/2015, titled Ajayinder Sangwan & Ors. vs. Bar Council of Delhi.

3.1 Learned counsel further informs me that a notice was taken out by BCD on 30.11.2017, whereby, objections were invited to the preliminary electoral roll published by it. It is further submitted that the final electoral roll was published on 15.01.2018, in consonance with the order dated 14.12.2017, and the earlier

order dated 24.11.2017, passed by the Supreme Court. Learned counsel also says that the time table for holding the elections has been notified on 24.01.2018.

3.2 As per this notice, according to Mr. Singhdev, the elections are to be held on 16 and 17 March 2018.

3.3 In these circumstances, the learned counsel says that since the election process has commenced, no relief at this stage can be granted to the petitioner.

4. On the other hand, Ms. Sugandha says that the issue in the present petition is about inclusion of her name in the electoral list and not about correcting the electoral roll. It is emphasised by the petitioner that she has no objection qua the electoral roll already published by the BCD. The petitioner says that since she was required to pass AIBE and the result qua which was declared only on 09.03.2018, she could not have approached the Court at an earlier date.

5. While there is some merit in what the petitioner says, that is, she cannot be faulted for the delay in approaching the court, her plea at this stage cannot be entertained for the reason that the election process has already commenced (See N.P. Ponnuswami v. Returning Officer, Namakkal Constituency, Namakkal, 1952 SCR 218: AIR 1952 SC 64). The period between now and the date when the elections are stated to be held is too short to interdict the election process and direct inclusion of the petitioner's name in the electoral rolls. Therefore, no relief can be granted at this stage.

6. The writ petition is disposed of accordingly.

7. Dasti under the signatures of the Court Master.