RAJASTHAN HIGH COURT
सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Special Appeal Writ No. 1469/2026
CNR: RJHC021125642026 | URN: SAW / 2865U / 2026

Gajendra Singh Shekhawat S/o Sarvan Singh Shekhawat

----Appellant

Versus

Rajasthan High Court
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Virendra Agrawal, S/o Freedom Fighter Late Shri Prem Nidhi Agrawal and Ors.

----Respondents

D.B. Special Appeal Writ No. 1470/2026
CNR: RJHC021125402026 | URN: SAW / 2866U / 2026

Mahendra Shandilya S/o Sh. R.A. Shandilya

----Appellant

Versus

Virendra Agrawal, S/o Freedom Fighter Late Shri Prem Nidhi Agrawal and Ors.

----Respondents

D.B. Special Appeal Writ No. 1471/2026
CNR: RJHC021125902026 | URN: SAW / 2867U / 2026

Kuldeep Sharma S/o Late Shri Ramswaroop Sharma

----Appellant

Versus

Virendra Agrawal, S/o Freedom Fighter Late Shri Prem Nidhi Agrawal and Ors.

----Respondents

For Appellant(s) : Mr. Rajendra Prasad Sharma
Mr. Sunil Samdaria with
Mr. Arihant Samdaria
Mr. Kuldeep Sharma, petitioner-in-person
Mr. Ankit Kumar
Mr. Abhay Rathore
Mr. Sanjeev Kumar Sharma
Ms. Surbhi Khandelwal
Ms. Jinal Gehlot
Mr. Hassimuddin
Mr. Avinash Gautam
Mr. Sourabh Agarwal
Mr. BPS Bhati
Mr. Amit Kumar Batar
Mr. Kartar Singh
Mr. Satish Khandelwal

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Mr. Shyam Gupta
Mr. Hem Singh Gurjar
Mr. Vikram Beniwal
Mr. Mahipat Lal Meena
Mr. Pramod Saini
Mr. Vijendra Sihag
Mr. Aditya Choudhary
Mr. Tanmay Sharma
Mr. Jitendra Mitruka
Mr. TC Swami, Mr. Rajesh Kala
Mr. Avi Airum, Mr. Harshit Sharma
Mr. Ayush Agarwal
Mr. Suresh Khileri
Mr. Aditya Choudhary
Mr. Atar Singh Gurjar
Ms. Suneeti Vashishtha
Mr. Shyam Gupta
Mr. Rajesh K. Sharma
Ms. Udati Kirodi
Mr. Vijay Kumar, Mr. Mitul Jain
Mr. Rajendra Sharma
Mr. Dinesh Sharma
Mr. Laxmi Kant Malpura
Mr. Pramod Kumar Saini
Mr. Jayant Moond
Mr. Pradeep Kumar Beniwal
Mr. Aditya Choudhary
Mr. Bhawani Moond
Mr. Tanmay Sharma
Mr. Jai Prakash
Mr. Ashish Yadav
Mr. Tilak Jangir
Mr. Aniket Beniwal
Mr. Ajay Yadav
Mr. Pradeep Kumar
Mr. Kuldeep Sharma
Ms. Priyanshi Sharda
Mr. Arjun Khatik
Mr. Ajay Kumar
Mr. Sunil Rawat
Mr. Ravi Shankar Sharma
Ms. Rashmi Jain
Mr. Jai Prakash Sharma
Mr. Shyam Gupta
Ms. Shashi S. Gaur
Mr. Pushpendra Pal Singh
Mr. Manish Gupta
Mr. Pushpendra Singh
Mr. Nitranjan Singh Raghav
Mr. Akash Sharma
Mr. Raj Kumar Sharma
Mr. Pawan Jandu

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Mr. Vijit Saxena
Mr. Ram Kumar Choudhary
Mr. Rohit Kumar Sharma
Mr. Mamraj Gurjar
Mr. Hari Kishan Sharma
Mr. Ayush Bansal
Mr. Sudesh Kasana

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For Respondent(s) : Dr. Pushpendra Singh
Ms. Suruchi Kasliwal
Mr. Dheeraj Singhal
Mr. Virendra Agrawal, respondent-in-person
Dr. Prakhar Agarwal
Ms. Anjali Assat
Ms. Vandana Choudhary
Mr. Sanju Saini, Ms. Isha Belani
Ms. Neelam Sharma
Ms. Suman Saini
Ms. Jyoti Saini
Ms. Susan Mathew
Mr. Santosh Kumari Soni
Mr. Shailesh Sharma
Mr. Ishwar Jain
Mr. Vaibhav Sharma
Mr. Sahil Jain
Ms. Jasmeen Choudhary
Ms. Tanisha Verma
Mr. Ram Pratap Saini
Mr. Prem Shankar Sharma
Mr. Jitendra Kumar Sharma
Mr. Bhuwnesh Sharma with
Mr. Samee Khan
Mr. Manish Gupta
Ms. Priyansha Gupta
Ms. Sarika Choudhary
Mr. Dalip Kurka
Mr. Sandeep Maheshwari
Mr. Prahlad Sharma
Mr. Prakash Chand Sharma
Mr. Prateek Kasliwal with
Ms. Gauri Jasana
Mr. Nitish Bagri
Ms. Shretima Bagri
Ms. Riya Sain, Ms. Riya Choudhary
Mr. Rahul Singh
Mr. Narayan Singh Choudhary
Mr. Sher Singh Mehla
Mr. Prem Chand Dewanda
Mr. Prashan Kumar Sharma
Mr. Balram Jakhar

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HON'BLE THE CHIEF JUSTICE MR. SANJAY K. AGRAWAL
HON'BLE MR. JUSTICE SAMEER JAIN

Order

23/11/2026

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1. Heard.

2. Issue notice to the respondents, returnable within three weeks.

3. Applications seeking leave to appeal are allowed. Leave is granted.

4. This group of special appeals is directed against the judgment and order dated 20.11.2026 passed by the learned Single Judge in S.B. Civil Writ Petition No.23107/2026, whereby the Notification dated 17.11.2026 issued by the Election Committee, Rajasthan High Court Bar Association, Jaipur (RHCBA) was quashed and the earlier notices dated 03.11.2026 and 04.11.2026, imposing an additional requirement of having at-least two *Vakalatnamas'* or two recorded appearances before the Hon'ble Rajasthan High Court shall be permitted for exercising voting rights, were restored.

5. Mr. Sunil Samdaria, learned counsel for the appellant and Mr. Mahendra Shandilya, appearing in person along with other counsels qua the appellants, have submitted as under:

(i) The controversy arises from the binding judgment dated 12.09.2017 passed in **D.B. Civil Writ Petition No.13020/2015- The Rajasthan High Court Advocates Associations, Jodhpur & Anr. Vs. The Bar Council of Rajasthan & Anr.**, wherein eight mandatory conditions/norms governing the eligibility of voters and conduct of elections of Bar Associations throughout the Rajasthan

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were spelt out. As per the appellants, primarily those eight conditions require twin test to be eligible for casting vote; (a) Identity Card issued by the concerned Associations; (b) No Objection Certificate issued regarding no dues by the concerned Bar.

(ii) It is further submitted that the said norms were subsequently affirmed/modified by the Hon'ble Supreme Court vide order dated 12.05.2022 and reiterated by the Division Bench in **D.B. Special Appeal Writ No.665/2023-Gunjan Kumar Kumawat & Ors. Vs. The Bar Council of Rajasthan & Ors.**, decided on 24.08.2023.

(iii) It is next submitted that the Election Committee through notices dated 03.11.2026 and 04.11.2026, has, without any jurisdiction, introduced an additional eligibility condition contrary to the above judgments to produce two *Vakalatnamas.* The same constitutes change in rules of game. It is submitted that qua the said representations, objections were raised by the Members at large and the Election Committee vide order dated 17.11.2026, considered the same and passed appropriate order.

(iv) It is submitted that once the election process has commenced on 02.11.2026, rules of game contrary to the judgments, as referred to hereinabove and against the eight mandatory norms, cannot be changed by the Committee and, thus, they have acted without jurisdiction.

(v) It is submitted that approximately 2500 persons will lose their right to vote on account of the same. It is further submitted that merely filing of *Vakalatnamas* will not determine the nature of Advocate from practicing/non-practicing. They have submitted

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primarily that by the said order, young advocates who are not having any opportunity to argue, will be directly hit and the number of the same is in thousands.

(vi) It was next argued that the Committee, as per the General Notice dated 02.11.2026, marked as Annexure-A/3, was directed to act in compliance of order dated 24.08.2023 and the directions of Supreme Court and not to act otherwise.

(vii) It is also submitted that the additional norm prescribed is without jurisdiction, contrary to the General Notice and is only prevailing at Rajasthan High Court, Jaipur Bench Jaipur and even not adopted by the Bar Associations at Jodhpur.

6. Per contra, Mr. Virendra Agrawal, respondent in person, Mr. Prateek Kasliwal, learned counsel representing the Bar Council along with Mr. Bhuwnesh Sharma, have prayed for rejection of the present special appeals as not maintainable. They have submitted that once the Committee has been appointed, they have all jurisdiction in their wisdom to take appropriate decision in the interest of Bar at large. They have supported the impugned judgment of learned Single Judge and submitted that there is nothing arbitrary or irrational asking for two *Vakalatnamas,* or appearances as eligibility condition to vote.

7. They have next submitted that rules qua grant of membership and for casting vote are two different situations and the same rules cannot apply to the same. They have also prayed that leave should not be granted as no legal injury has been caused to the appellants, who are eligible voters and there is legal right to challenge the same.

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8. They have also submitted that a candidate, who is participating in the election, cannot seek to shape the electorate to improve his own chances of winning. It was submitted that earlier petition filed before the Single Bench was withdrawn by one of the parties and, therefore, there is concealment of fact.

9. We have heard the arguments.

10. The relevant portion of the judgment passed in **The Rajasthan High Court Advocates Associations, Jodhpur** (supra) reads as under:

> "Keeping the prime aspect to have effective representation of Advocates community in mind, we deem it appropriate to prescribe following mandatory norms to be adhered by each and every Bar Association in the State of Rajasthan:-
>
> 1. Notwithstanding anything contained in the by-laws of the Bar Association concerned, election of every Bar Association shall be conducted by an Election Committee of three members, to be nominated by Executive Committee of the Association. The members of the Election Committee shall not participate in the election, except casting their votes. The Election Committee shall exercise full and absolute control over the election and its decision shall be final and binding. The committee is to be nominated by the existing Executive Committee of the Bar Association. This provision shall not be applicable for first election to elect the first Executive Committee of any Bar Association.
>
> 2. Notwithstanding anything contained in the by-laws of the Bar Association, the office bearers of the Bar Association shall be elected by secret ballet at the annual election. No office bearer shall be eligible to hold any office for more than two consecutive terms.
>
> 3. Notwithstanding anything contained in the by-laws of the Bar Association, no member of the Bar Association annexed with the Rajasthan High Court or any District Court in the State of Rajasthan, shall be eligible to contest election for the post of President, Vice President and General Secretary of the Bar Association unless he/she have five years standing at the Bar.

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4. Every Bar Association shall issue an identity card to its members. The identity card is required to be signed by President of the Bar Association and that shall contain photograph of the advocate concerned with all necessary details about him including his/her enrollment number with Bar Council.

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5. Notwithstanding anything contained in the by-laws of the Bar Association, no member of any Bar Association shall be eligible to cast his/her vote at the election unless -

(a) he/she is in possession of identity card issued by the Bar Association at the time of casting his/her vote and shows it on demand, if so required; and

(b) he/she has paid his/her subscription/membership fee/fee on or before a month prior from the date of election being held and is not in arrears on any account.

6. Notwithstanding anything contained in the by-laws of the Bar Association, a member of Bar Association, who is in arrears of his/her subscription/membership fee/fee or any dues to the Bar Association, will not be eligible, to propose or second the candidature of any member contesting election to any of the posts. Such member shall not be entitled to contest the election.

7. Notwithstanding anything contained in the by-laws of the Bar Association, a member of Bar Association, who exercises his/her right to vote in any year, in any other Bar Association, shall not be eligible to contest for any post of the Bar Association or to cast his/her vote at the election. Every member, at least two days before casting his/her vote shall give a declaration that he/she is not voting in any other election of any other Bar Association. Provided, however, that if such a declaration is found to be false, it shall entail automatic suspension of the member giving such false declaration from membership of the Association for a period of three years.

8. Notwithstanding anything contained in the by-laws of the Bar Association, no person, who has been convicted for any offence involving moral turpitude by a competent court including the recorded finding of committing contempt under the Contempt of Courts Act, 1971, whether sentenced to imprisonment or not, shall be eligible to be elected, co-opted or nominated or

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to continue as office bearer/member of the executive committee of a Bar Association for a period of five years from the date of such conviction.

The directions given above are mandatory and every Bar Association in the State of Rajasthan is required to adhere the same. In the event of violation of any of the mandatory norm/condition aforesaid, the Association concerned shall loss its recognition and that Bar Association shall not be treated as an Association annexed with the court concerned."

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11. The relevant portion of General Notice dated 02.11.2026 (Annexure-A/3) states as under:

"…….

GENERAL NOTICE

The annual Election of Rajasthan High Court Bar Association, Jaipur is scheduled on 11.12.2026 (Friday) in compliance of the Order dated 24.08.2023 passed in D.B. Special Appeal Writ No.665/2023 by Hon'ble Rajasthan High court in compliance of directions issued by Hon'ble Supreme Court, a Three member Committee is constituted for the Election as under:-

Sr. No.	Enrollment No.	Name	Mobile
1.	R/49/1988	Shri Prem Shankar Sharma	7727830172
2.	R/458/1998	Shri Manish Gupta	9414300517
3.	R/845/1999	Dr. Pushpendra Pal Singh	9414045237

(Rajeev Sogarwal)
President

(Deepesh Sharma)
General Secretary"

12. Para 26 of the impugned order of the learned Single Judge dated 20.11.2026 states as under:

"26. For the reasons mentioned hereinabove, notice dated 17.11.2026 issued by the Election Committee is hereby quashed and set aside and earlier notices dated 03.11.2026 and 04.11.2026 issued by the Election Committee are hereby restored and the same shall remain effective."

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13. Taking *prima facie* view and that the elections are scheduled on 11.12.2026 (Friday) and the election process has begun vide Notification dated 02.11.2026 and the Committee, as per the Notification dated 02.11.2026, was directed to act in accordance with the directions of the Division Bench, as reproduced above, we are inclined to direct that the effect and operation of para 26 of the impugned order dated 20.11.2026 passed by the learned Single Judge, with consequential effect of para 27 along with other consequential steps, shall remain stayed and the election process has to continue as per General Notice dated 02.11.2026, originally issued by the Rajasthan High Court Bar Association, Jaipur, without any hindrance.

14. The matters be listed after three weeks. In the meantime, reply be filed.

(SAMEER JAIN),J (SANJAY K. AGRAWAL),CJ

KAMLESH KUMAR/SA-149-151

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