



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 10924 of 2026

Akhilesh Jaiswal And Another

.....Petitioner(s)

Versus

Bar Council Of India Thru. Chairman Rouse
Avenue New Delhi And 2 Others

.....Respondent(s)

Counsel for Petitioner(s) : Mayank Pandey , Aarav Singh ,
Priya Singh
Counsel for Respondent(s) : Shailesh Kumar Pathak , Subhash
Chandra Pandey

Court No. - 3

HON'BLE SHEKHAR B. SARAF, J.

HON'BLE ABDHESH KUMAR CHAUDHARY, J.

1. Heard Sri Sharad Pathak, learned Senior Advocate assisted by Sri Mayank Pandey, Sri Aarav Singh and Ms. Priya Singh, learned counsel for the petitioner and Sri Shailesh Kumar Pathak, learned counsel for the opposite party no. 1 as well as Sri Subhash Chandra Pandey, learned counsel for the opposite party nos. 2 and 3.

2. This is a writ petition under Article 226 of the Constitution of India, wherein the writ petitioners are aggrieved by the impugned order dated 26.09.2026 whereby the Chairman, Disciplinary Committee of the Bar Council of Uttar Pradesh has suspended the enrollment of both the petitioners till further orders.

3. The impugned order dated 26.09.2026 is delineated below:-

"Order

Case called out. Opposite party Akhilesh Jaiswal, President, Central Bar Association, Civil Court Lucknow and Avnish Dixit, Secretary, Central Bar Association, Civil Court, Lucknow appeared through Counsel Shri Anish Kumar Singh, Advocate and Shri Jyotiresw Pandey Advocate, who filed their vakalatnama.

The opposite party also filed an application requesting that copy of complaint may be provided to them. The

charges against both the Advocates are serious in nature, as they have rejected the resolution passed by Bar Council of Uttar Pradesh as well as the order of Chairman and published the same in daily newspapers of State of Uttar Pradesh.

Heard. The next date of hearing is fixed as 11. 10.2026, in the meantime license (Enrollment) of both the Advocates is suspended till further order. They shall not appear in any Court of law as counsel.

Office is directed to send the copy of this order to the District & Sessions Judge, Lucknow, through email for necessary information. Copy of this order may also be sent to Commissioner of Police, Lucknow and District Magistrate, Lucknow.

Dt./-26.09.2026

Sd/-

Chairman Disciplinary Committee"

4. Upon a bare reading of the order, it is evident that the petitioners had sought a copy of the complaint; however, the order is silent as to whether such copy had been provided or the same had already been furnished to them earlier or whether the said request was not maintainable for any reason whatsoever. Furthermore, while the order had adjourned the hearing to 11th October, 2026, it simultaneously proceeds, in the same breath, to suspend the licences of the petitioners till further orders, which appears inconsistent with the law.

5. Upon a plain perusal of Section 35(3) of the Advocates Act, 1961, we are of the considered view that the law provides that the Bar Council of Uttar Pradesh, after affording an opportunity of hearing to the petitioners, could have passed only such orders as are enumerated under Section 35(3) of the Act, namely:-

"(a) dismiss the complaint or, where the proceedings were initiated at the instance of the State Bar Council, direct that the proceedings be filed.

(b) reprimand the advocate;

(c) suspend the advocate from practice for such period as it may deem fit;

(d) remove the name of the advocate from the State roll of advocates."

6. In the present case, it appears that the authority has suspended the advocates/petitioners from practice till further orders. Firstly, the suspension being for an indefinite period, without specifying its duration, appears to be unsustainable in law. Secondly, once the Disciplinary Committee had passed an order of suspension, no further adverse action could have been taken against the petitioners without issuance of a fresh notice and affording them an opportunity of hearing. According to this Court, the order of suspension as mentioned in Section 35 (3) (c) of the Advocates Act, 1961 is a final order and could not be passed at an interim stage by the Bar Council of Uttar Pradesh.

7. Reliance may be placed upon the judgment of the Division Bench of the Madras High Court in ***R. Jim v/s. Secretary, Bar Council of Tamil Nadu and Puducherry, High Court Campus, reported in 2025 SCC OnLine Mad 14556***, wherein the Court has categorically held in paragraph 122 as follows:-

122. In the light of the above discussion, we are of the view that the Bar Council of Tamil Nadu and Puducherry does not have the power to place a person under interim suspension pending disciplinary enquiry. We hold as follows:-

(i) The Advocates Act has not conferred the power on the Bar Council to place an Advocate under suspension pending disciplinary enquiry;

(ii) By an act of interpretation, the Courts cannot expand the powers of a statutory body which has not been specifically conferred;

(iii) When the Advocates Act, under Section 35 contemplates a procedure of issuance of notice, framing of charges, due trial and hearing before passing an order of suspension, an exparte interim

order does not pass muster;

(iv) When Section 6 of the Advocates Act, 1961, reads as "functions" of the Bar Council, the same cannot be interpreted as conferring "powers" on the Bar Council;

(v) In any event, as the order is inherently contradictory and one passed without hearing the writ petitioner, the same is quashed.

8. Upon perusal of the aforesaid judgment, it is evident that the procedure adopted by the authorities in the present case is not in consonance with the provisions of the Advocates Act, 1961, as well as the law laid down by the Division Bench of the Madras High Court in ***R. Jim (supra)***.

9. In view of the above, the impugned order is hereby quashed and set aside. The petitioners are directed to appear on the next date fixed, i.e., 11.10.2026. In the event that any documents are required to be furnished to the petitioners and have not yet been supplied, the same shall be provided by the Bar Council of Uttar Pradesh, in accordance with law, upon a request being made by the petitioners within 24 hours. It is further clarified that no unnecessary request for adjournment shall be made by the petitioners.

10. With the aforesaid directions, **the writ petition stands disposed of.**

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(Abdhesh Kumar Chaudhary,J.) (Shekhar B. Saraf,J.)

October 1 , 2026

Anuj Singh