



\$~48

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

%

Date of Decision: 27.03.2026+ **LPA 161/2026 & CM APPL. 19155/2026**

RAMESH CHANDRA SINGH

.....Appellant

Through: Appellant-in-person.

versus

BAR COUNCIL OF DELHI AND ANR

.....Respondents

Through: Mr. Preetpal Singh, Ms. Tanupreet Kaur, Ms. Medha Sharma, Ms. Simran Kumar, Ms. Pooja and Mr. Gaurav, Advocates for BCI.

CORAM:**HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE TEJAS KARIA****TEJAS KARIA, J. (Oral)**

1. The present *intra court* Appeal has been filed being aggrieved by the Order dated 19.03.2026 (“**Impugned Order**”) in W.P.(C) 3525/2026 (“**Writ Petition**”), whereby the Writ Petition, seeking a direction to Respondent No. 1 / Bar Council of Delhi (“**BCD**”) to clarify that 6 seats are reserved for advocates with less than 10 years of practice, was dismissed.
2. The Appellant-in-person submitted that the Appellant is a practicing advocate and a candidate for the member in the BCD Election 2026. The Appellant challenged the notification dated 24.12.2025 issued by BCD, whereby out of 23 total posts for the BCD Election 2026, 12 posts were reserved for the advocates with over 10 years of experience, and 5 posts



were reserved for female advocates. Accordingly, the Appellant prayed in the Writ Petition that the remaining 6 posts should be reserved exclusively for young advocates with less than 10 years of practice.

3. It is the case of the Appellant that BCD has reserved 12 posts for advocates with over 10 years of practice and allowed senior advocates, those who are covered under the reserved category of 12 posts to also contest for the remaining unreserved 6 posts. According to the Appellant, this would result in squeezing out the young practitioners, violating the principles of fair representation under the Advocates Act, 1961 (“**Advocates Act**”) and also infringement of the Fundamental Rights of the Appellant and other similarly situated young advocates under Articles 14 and 19(1)(g) of the Constitution of India, 1950 (“**Constitution of India**”).

4. The Appellant has submitted that the Writ Petition was wrongly dismissed *vide* the Impugned Order on the grounds of delay, laches and not finding any ‘vested right’ for the reservation sought by the Appellant. The Appellant has relied upon Section 3(2)(b) of the Advocates Act, which provides as under:

“3. **State Bar Councils.**—

(2) A State Bar Council shall consist of the following members, namely:—

(b) in the case of a State Bar Council with an electorate not exceeding five thousand, fifteen members, in the case of a State Bar Council with an electorate exceeding five thousand but not exceeding ten thousand, twenty members, and in the case of a State Bar Council with an electorate exceeding ten thousand, twenty-five members, elected in accordance with the system of proportional representation by means of the single transferable vote from amongst advocates on the electoral roll of the State Bar Council:



Provided that as nearly as possible one-half of such elected members shall, subject to any rules that may be made in this behalf by the Bar Council of India, be persons who have for at least ten years been advocates on a State roll, and in computing the said period of ten years in relation to any such person, there shall be included any period during which the person has been an advocate enrolled under the Indian Bar Councils Act, 1926 (38 of 1926).”

5. The Appellant submitted that the Advocates Act stipulates election by proportional representation and asserts that failure to reserve the remaining seats for junior advocates undermines this principle. The Appellant contends that the current electoral structure results in an unequal environment, compelling junior advocates to compete in a general pool predominantly occupied by senior members, thereby contravening the doctrine of equality as articulated under Article 14 of the Constitution of India.

6. Furthermore, the Appellant submitted that as counting of votes is presently underway for the BCD Election 2026, the Impugned Order be set aside with directions issued to the Respondents to ensure proportionate representation for advocates with less than ten years of practice.

7. We have heard the Appellant, who appeared in-person. The Impugned Order observes that although the Appellant was aware of the notification dated 24.12.2025, he challenged the same by filing the Writ Petition only on 14.03.2026, much after the BCD Election 2026 had been conducted and the counting process had commenced. Accordingly, the Impugned Order concludes that the Writ Petition suffered from delay and laches.

8. Additionally, the Impugned Order finds that, having participated in the election process, the Appellant was precluded from challenging the



notification issued on 24.12.2025 following the completion of the BCD Election 2026.

9. As regards Section 3(2)(b) of the Advocates Act, it is held in the Impugned Order that the said provision clearly provides that one-half of the elected members must be advocates having at least 10 years of practice and, therefore, there is no vested right in favour of advocates with less than 10 years' experience to seek reservation for the remaining posts.

10. At the outset, we note that elections for the various Bar Councils, including BCD Election 2026 are being held pursuant to series of orders passed by the Supreme Court in Writ Petition (Civil) 1319/2023 in the case of *M. Varadhan v. Union of India & Anr.*, whereby the entire election process, including counting of votes is controlled and monitored through the direct supervision of the High-Powered Election Committees constituted by the Supreme Court. As regards BCD Election 2026, the Supreme Court has observed that a Special Committee constituted for the same may seek guidance from the High-Powered Election Committee for ensuring fair and transparent elections. It is also held that if any person has any grievance, the liberty is granted to apply to the High-Powered Election Committees for redressal of the issue and if any person is aggrieved by the decision of the High-Powered Election Committee, a liberty is granted to approach the High-Powered Supervisory Committee. It is further directed that no Civil Court or High Court shall entertain any petition against such decision.

11. Accordingly, in view of the specific direction by the Supreme Court in *M. Varadhan (supra)*, the Writ Petition filed by the Appellant was not maintainable and was deserved to be dismissed on that ground alone.



12. In any event, the relief sought by the Appellant cannot be granted since a complete reservation for all the posts of BCD is not permissible. The 50% reservation for advocates with more than ten years of practice, as stipulated in Section 3(2)(b) of the Advocates Act, together with the 30% reservation for women advocates directed by the Supreme Court in *Yogamaya M.G. v. Union of India & Ors.* W.P.(C) 581/2024, must not be construed to imply that the remaining 20% positions are reserved for advocates with less than ten years of experience. Such an interpretation would lead to complete reservation for all posts, which is inconsistent with the provisions of the Advocates Act.

13. The learned Single Judge correctly held that the Appellant did not possess a vested right to seek reservation of the remaining seats for advocates with less than ten years' experience, as this is not permissible within the framework of the Advocates Act or the Constitution of India. Hence, the Writ Petition was rightly dismissed.

14. Therefore, no interference is required in the Impugned Order dismissing the Writ Petition as non-maintainable. Consequently, the present Appeal as well as the pending Application are dismissed. No order is made regarding costs.

TEJAS KARIA, J

DEVENDRA KUMAR UPADHYAYA, CJ

MARCH 27, 2026/sms