

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

**WEDNESDAY, THE TWENTY EIGHTH DAY OF JANUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

WRIT PETITION NO: 1765 OF 2026

Between:

Allam Nagaraju, S/o. Late Eshwaraiah, Aged about 50 years, Occ. Advocate,
R/o. H.No.11-23-238-1, Navayuga Colony, Warangal, Telangana.

...PETITIONER

AND

1. Union of India, Represented by its Ministry of Law and Justice, Headed by the Union Law Secretary Shastri Bhawan, New Delhi.
2. The Bar Council of India, Rep. by its Secretary, 21 Rouse Avenue, Institutional Area, Near Bal Bhawan, New Delhi- 110002.
3. The Bar Council of Telangana, Represented by its Secretary, High Court for the State of Telangana, Hyderabad, Telangana- 500066.
4. Scrutinizing Officer, Bar Council of Telangana, High Court for the State of Telangana, High Court Premises, Hyderabad, Telangana.
5. Hon'ble High-Powered Election Committee (Phase-I), Rep. by its Chairman, Bar Council of India, New Delhi Email. highpoweredecphase1@gmail.com
6. Hon'ble High-Powered Supervisory Election Committee, Rep. by its Chairman, Bar Council of Hyderabad. Email. sec.supervisorycommittee@gmail.com

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction

a) a writ of Certiorari, declaring and set aside the contents of Gazette Notification in the ROC No.Ele.11 of 2025 dated 20/12/2025 passed by respondent No.3 i.e., The decision taken by the Supervisory Committee shall be final and no Civil Court or High Court shall entertain any petition against such decision, as arbitrary, unconstitutional, violated of Article 13, 14 of the Constitution of India.

b) a writ of Certiorari, declaring and setting aside the order dated 15/01/2026 passed by the High Powered Election Supervisory Election Committee in Supervisory Committee Appeal No.26 of 2026, upholding the order dated 07/01/2026 passed by the High Powered Election Committee in Telangana Appeal No.07 of 2026 upholding the order dated 03/01/2026 passed by the Scrutinizing Officer i.e., Advocate General in ROC.Ele.No.40 of 2026, as unconstitutional, violating Articles 14 of the Constitution of India.

c) a Writ of Mandamus, directing the respondent No.3 to permit the candidature of the petitioner by accepting his nomination file dated 29/12/2025 for the upcoming elections to the Members of Bar Council of Telangana and thereby permit him to contest the election.

IA NO: 2 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant an interim stay of the Gazette Notification in the ROC No.Ele.11 of 2025 dated 20/12/2025 passed by respondent No.3, thereby permitting the petitioner herein to contest the upcoming elections to the Members of Bar Council of Telangana, pending of the writ petition.

IA NO: 3 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant interim stay of all the election process for the upcoming elections to the Members of Bar Council of Telangana, pending of the writ petition and pass such other order or orders as this Hon'ble Court may deem fit and proper, in the circumstances of the case in the interest of justice, equity and good conscience.

Counsel for the Petitioner: SRI YEMMIGANUR SOMA SRINATH REDDY
Counsel for the Respondent No.1: SRI A.KRANTI KUMAR REDDY
Counsel for the Respondent No.2: SRI AADESH VARMA
Counsel for the Respondent No.3: SRI ASHOK ANAND KUMAR, Sr. COUNSEL

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HONOURABLE SRI JUSTICE N.TUKARAMJI

WRIT PETITION No.1765 OF 2026

DATE: 28.01.2026

Between :

Allam Nagaraju

... Petitioner

AND

Union of India represented by its Ministry of Law and Justice,
Headed by the Union Law Secretary, Shastri Bhawan, New
Delhi and five others.

... Respondents.

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking issuance of writs of *Certiorari* and *Mandamus* challenging multiple election-related decisions concerning the Bar Council of Telangana. Specifically, the petitioner assails: (i) the Gazette Notification dated 20.12.2025 (ROC No. Ele.11 of 2025) insofar as it declares the Supervisory Committee's decision to be final and bars judicial review, as arbitrary, unconstitutional, and violative of Articles 13 and 14 of the Constitution of India; (ii) the order dated 15.01.2026 passed

by the High Powered Election Supervisory Committee, affirming earlier orders dated 07.01.2026 and 03.01.2026 rejecting the petitioner's nomination, as unconstitutional and violative of Article 14; and (iii) a consequential writ of Mandamus directing the concerned authority to accept the petitioner's nomination dated 29.12.2025 and permit him to contest the ensuing Bar Council of Telangana elections.

2. Mr. Y. Soma Srinath Reddy, learned counsel for the petitioner, and Mr. Ashok Anand Kumar, learned senior counsel for respondent No. 3, were heard. In view of the urgency pleaded by the petitioner, the matter was heard at the stage of admission and is being decided by this order.

3. Briefly stated the relevant facts are that, the petitioner is a practicing Advocate who submitted his nomination on 29.12.2025 pursuant to the Election Notification dated 20.12.2025 issued for the election to the Bar Council of Telangana. The Scrutinizing Officer, by order dated 03.01.2026 in Roc. Ele. No.40 of 2026, rejected the petitioner's nomination on the ground that criminal cases were pending against him.

4. Aggrieved by the rejection, the petitioner preferred an appeal before the High-Powered Election Committee in Appeal No.7 of 2026, which was dismissed on 07.01.2026. Thereafter, the petitioner filed a Review Petition before the High-Powered Supervisory Election Committee, which also came to be dismissed by order dated 15.01.2026. Challenging the said orders and the underlying Notification dated 20.12.2025, the present writ petition has been filed.

Submissions on behalf of the Petitioner

5.1. The learned counsel for the petitioner contends that the rejection of the petitioner's nomination is founded on Rule 4 of the Bar Council of India Rules, 2023 (hereinafter "the Rules, 2023"), which has been erroneously interpreted by the authorities concerned.

5.2. It is submitted that the Bar Council of India, by Notification dated 29.10.2025, amended Rule 4 of the Rules, 2023, prescribing that disqualification would arise only if, as on a date not later than nine months prior to the election, two or more criminal cases of a serious nature, namely offences punishable with imprisonment of seven years or more are pending against

the candidate. The said Notification further clarifies that the pendency of only one such case would not attract disqualification.

5.3. Subsequently, by Notification dated 17.12.2025, the Bar Council of India clarified that "pendency of a criminal case" for the purpose of Rule 4 would mean a case in which a charge sheet has been filed and charges have been framed by the competent court.

5.4. Applying the above criteria, the learned counsel submits that out of the three criminal cases disclosed by the petitioner, charges have been framed only in C.C. No.435 of 2015 pending before the Additional Judicial Magistrate of First Class, Hanumkonda. In C.C. No.613 of 2019, the matter is at the stage of issuance of summons and no charges have been framed, and therefore, its pendency cannot be considered. In C.C. No.2456 of 2022, though the trial is pending, the offences alleged include Section 452 IPC, for which the punishment may extend up to seven years.

5.5. Placing reliance on Section 41 of the Code of Criminal Procedure and the judgment of the Hon'ble Supreme Court in

Arnesh Kumar v. State of Bihar, (2014) 8 SCC 273, it is contended that criminal jurisprudence distinguishes between offences punishable with imprisonment “up to seven years” and those punishable with imprisonment “of seven years or more.” Since Rule 4 of the Rules, 2023 mandates disqualification only for offences punishable with imprisonment of seven years or more, the pendency of C.C. No.2456 of 2022 cannot be treated as a disqualification.

5.6. It is further contended that the High-Powered Supervisory Election Committee rejected the review petition on an erroneous interpretation of the phrase “punishable with imprisonment which may extend to seven years,” rendering the impugned order legally unsustainable.

5.7. The learned counsel also challenges the interpretation placed by the authorities on the judgment of the Hon’ble Supreme Court in *M. Varadhan v. Union of India* (W.P.(C) No.1319 of 2023 and batch, decided on 18.01.2025), contending that the observations therein regarding finality of decisions of the Supervisory Committee were confined to issues of voter eligibility

and verification of credentials and cannot be extended to disputes relating to nomination and rejection of candidature.

5.8. It is lastly contended that the writ petition is maintainable under Article 226 of the Constitution of India, as judicial review is a basic feature of the Constitution. Reliance is placed on *L. Chandra Kumar v. Union of India*, (1997) 3 SCC 261, *State of West Bengal v. Committee for Protection of Democratic Rights*, (2010) 3 SCC 571, *Ravi Yashwant Bhoir v. District Collector*, (2012) 4 SCC 407, and other decisions, to submit that the jurisdiction of this Court cannot be ousted.

Submissions on behalf of the Respondents

6.1. Per contra, the learned Senior Counsel for the respondents submits that the election notification was issued strictly in accordance with the directions of the Hon'ble Supreme Court dated 18.11.2025 and the comprehensive guidelines issued in *M. Varadhan* (supra), which govern all aspects of Bar Council elections.

6.2. It is contended that the petitioner, having accepted the election notification and having availed the remedies before the

High-Powered Election Committee and the Supervisory Election Committee, cannot now challenge the instructions governing the election process.

6.3. The learned Senior Counsel submits that the petitioner himself admitted before the authorities that criminal cases were pending against him, and the High-Powered Supervisory Election Committee, while considering the review, examined all relevant aspects and correctly held that the petitioner's disqualification squarely falls within Rule 4 of the Rules, 2023.

6.4. It is further argued that the expression "punishable with imprisonment of seven years and above" under Rule 4 is clear and unambiguous and does not warrant interpretation by importing principles of criminal law relating to arrest or sentencing, including Section 41 Cr.P.C. or the judgment in *Arnesh Kumar* (supra). The Rules, 2023 being a special regulatory framework governing Bar Council elections, must be interpreted on their own terms.

7. I have carefully considered the submissions advanced by the learned counsel on either side and perused the material placed on record.

Analysis and Conclusion:

8. Rule 4 of the Bar Council of India Rules, 2023, as amended, provides for the disqualification of candidates against whom serious criminal cases are pending, particularly those involving offences punishable with imprisonment of seven years or more. The Rule must be interpreted in light of its object and purpose, namely, the preservation of the purity, dignity, and credibility of the Bar Council, which functions not merely as an electoral body but as a statutory and quasi-constitutional institution entrusted with the regulation of the legal profession.

9. As rightly pointed out by respondent No. 2, the petitioner, in the affidavit filed before the Scrutinizing Officer along with his nomination papers, expressly disclosed the pendency of three criminal cases for trial against him. This factual position was subsequently reiterated before the High-Powered Election Committee. In the absence of any supplementary affidavit clarifying the precise stage of the said criminal proceedings, much

less any cogent or substantiating material, the petitioner's contention raised in review before the High-Powered Supervisory Election Committee that the competent authority failed to consider his nomination in its proper perspective is ex facie untenable and devoid of merit.

10. Significantly, the categorical disclosure made by the petitioner himself regarding the pendency of three criminal cases for trial satisfies the statutory threshold relevant to disqualification and therefore militates against his challenge. Having voluntarily acknowledged the pendency of such cases for trial, the petitioner cannot now be permitted to approbate and reprobate by contending that the authorities erred in acting upon his own sworn disclosure.

11. It is further pertinent to note that the Hon'ble Supreme Court, in *Satender Kumar Antil v. Central Bureau of Investigation*, (2022) 10 SCC 51, undertook a comprehensive classification of offences for the purposes of bail jurisprudence. While interpreting Sections 41 and 41A of the Code of Criminal Procedure, 1973, and delineating safeguards governing arrest and bail, the Court unequivocally held that offences punishable with imprisonment

“up to seven years” fall within the category of offences punishable with imprisonment of seven years. The Court clarified that the expression “up to seven years” does not denote a lesser or distinct class of offences, but squarely attracts the legal consequences applicable to offences punishable with imprisonment of seven years.

12. This doctrinal position is consistent with the earlier authoritative pronouncement in *Armesh Kumar v. State of Bihar*, (2014) 8 SCC 273, wherein the Hon’ble Supreme Court emphasized that offences punishable with imprisonment up to seven years must be treated uniformly for the purposes of arrest regulation and mandatory compliance with Section 41A CrPC. The judgment underscored that the legislative intent underlying Sections 41 and 41A CrPC is to curb unnecessary arrests and ensure procedural safeguards, without fragmenting offences into artificial sub-categories based on semantic distinctions in punishment clauses.

13. Thus, while *Armesh Kumar* principally addresses arrest safeguards and procedural compliance, *Satender Kumar Antil* conclusively affirms the classification principle governing offences

punishable with imprisonment up to seven years. Read conjointly, these judgments settle the legal position that an offence prescribing punishment "up to seven years" is, in law as well as in effect, an offence punishable with imprisonment of seven years, attracting all attendant legal consequences.

14. In view of these binding and authoritative pronouncements of the Hon'ble Supreme Court, it is beyond cavil that offences punishable with imprisonment "seven years" cannot be diluted or recharacterized to evade statutory consequences. The petitioner's contrary submission, therefore, stands squarely negated by settled law.

15. Accordingly, the contention that offences punishable with imprisonment "up to seven years" must be excluded from consideration is overly technical and divorced from the object sought to be achieved by the Rules. Rule 4 is a regulatory provision and must, therefore, receive a purposive and contextual interpretation, rather than a narrow or literal construction that would defeat its underlying intent. The Hon'ble Supreme Court has consistently held that where a provision is enacted to uphold ethical standards in public or professional institutions, courts must

adopt an interpretation that advances, rather than frustrates, the legislative or regulatory objective. The Bar Council of India Rules, 2023 constitute a self-contained code, and in the absence of any ambiguity in the language of Rule 4, resort to external aids drawn from criminal procedural law is neither necessary nor permissible.

16. Furthermore, it is trite law that while the power of judicial review under Article 226 of the Constitution of India is wide, it is essentially discretionary and equitable in nature. Courts must exercise judicial self-restraint, particularly in matters involving elections, especially once the election process has been set in motion and decisions have been rendered by specialized bodies constituted pursuant to directions of the Supreme Court. This principle has been consistently reiterated to preserve the autonomy and stability of electoral institutions, including those governing professional regulatory bodies.

17. Interference is warranted only where the decision-making process is shown to be vitiated by mala fides, patent illegality, procedural impropriety, or perversity. It is equally well settled that the mere possibility of an alternative interpretation does not justify the substitution of the Court's view for that of the competent

authority, particularly where the authority has acted within its jurisdiction and rendered a reasoned decision.

18. In the instant case, the High-Powered Supervisory Election Committee has duly considered the petitioner's contentions, interpreted the relevant Rules in a purposive manner, and recorded cogent reasons for its conclusions. No material has been placed on record to demonstrate that the decision suffers from arbitrariness, perversity, or jurisdictional error warranting interference under Article 226 of the Constitution.

19. That apart, the election process under challenge is not an independent or routine electoral exercise, but one that derives its entire legal foundation from the binding directions issued by the Hon'ble Supreme Court in *M. Varadhan v. Union of India* (W.P. (C) No. 1319 of 2023 and batch, decided on 18.01.2025). In the said decision, the Supreme Court, invoking its extraordinary powers under Article 142 of the Constitution of India, framed a comprehensive and uniform mechanism governing the conduct of Bar Council elections across the country, with the avowed objective of ensuring transparency, integrity, and institutional credibility.

20. Pursuant to the said directions, the Supreme Court mandated the constitution of High-Powered Election Committees and High-Powered Supervisory Election Committees, and expressly conferred finality upon the decisions of the Supervisory Election Committee. Such finality is not merely procedural, but flows from the constitutional authority of the Supreme Court to pass orders necessary to do complete justice, which are binding on all courts and authorities under Articles 141 and 144 of the Constitution.

21. The petitioner, having consciously and voluntarily participated in the election process governed by the aforesaid Supreme Court directions, and having availed the statutory and institutional remedies of appeal and review before the competent High-Powered Committees, cannot now be permitted to re-agitate the very same issues before this Court under Article 226 of the Constitution. To permit such a course would offend the well-settled doctrines of election finality, approbation and reprobation, and institutional discipline, and would undermine the sanctity of the election process itself.

22. In the considered view of this Court, the observations and directions of the Hon'ble Supreme Court in *M. Varadhan* cannot be read in a narrow or compartmentalized manner as being confined solely to voter eligibility. The judgment and the directions issued therein were clearly intended to comprehensively govern all facets of the election process, including scrutiny of nominations, determination of eligibility, and adjudication of disputes arising therefrom. Any restrictive interpretation would dilute the very purpose of constituting high-powered committees and render the Supreme Court's exercise of constitutional power under Article 142 of the Constitution largely otiose.

23. For the foregoing, as the petitioner has failed to establish that the impugned Notification, orders suffer from such illegality, irrationality, or perversity as would justify the exercise of writ jurisdiction under Article 226 of the Constitution of India, this writ petition is liable to be, and is accordingly, dismissed.

Miscellaneous petitions pending if any, shall stand closed.

No costs.

SD/-M. OSMAN ALI BAIG
ASSISTANT REGISTRAR

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SECTION OFFICER

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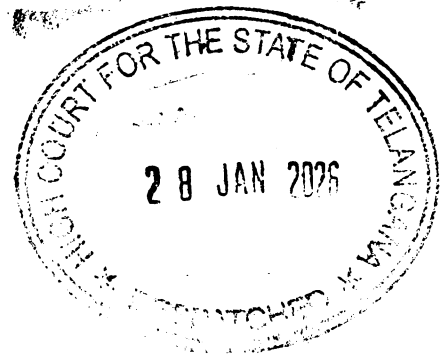
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BSR
BSK

CC TODAY

HIGH COURT

DATED: 28/01/2026



ORDER

WP.No.1765 of 2026

DISMISSING THE WRIT PETITION,
WITHOUT COSTS

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Asu
28/1/26