



**IN THE HIGH COURT OF ANDHRA
PRADESH
AT AMARAVATI**

Bench Sr.No:-
20
[3446]

WRIT PETITION NO: 11574 of 2023

Vutukuru Subba
Reddy

...Petitioner

Vs.

Bar Council of India and another

...Respondent(s)

Sri G. Ramesh Babu, Advocate for the petitioner.

Sri Maheswara Rao Kuncbeam & Sri G. Venkata Reddy, Advocates for the respondents.

**CORAM : THE CHIEF JUSTICE DHIRAJ SINGH THAKUR
SRI JUSTICE R. RAGHUNANDAN RAO**

DATE : 19th April 2024

P C :

In the present petition, the petitioner challenges amended Rule 7 of Chapter III, Part VI of the Bar Council of India Rules whereby a judicial officer, after his retirement or otherwise ceasing to be in service for any reasons, if enrolled as an Advocate, is prohibited from practicing in any of the Courts, Tribunals or Authorities of which he was a member or is presided over by an officer equivalent or lower to the post which such officer last held. The restriction so imposed extends to the territorial jurisdiction of the High Court.

Learned counsel for the petitioner would urge that in view of the aforementioned amendment incorporated to Rule 7 of the Rules framed by the Bar Council of India, all judicial officers who have retired are prevented from practicing in any Courts under the jurisdiction of this High Court and are permitted to necessarily practice only in the High Court.

Learned counsel - Mr. G. Ramesh Babu has drawn our attention to an earlier petition *vide* W.P.No.1222 of 2009, which is pending before this Court in which Rule 7 as it existed then was challenged whereby, the judicial officers were prevented from practicing for a period of two years in the area in which they had exercised jurisdiction before their retirement.

In the aforementioned writ petition bearing No.1222 of 2009, a Division Bench of this Court had suspended the operation of the said Rule 7 based on the premise that the amended Rule was beyond the regulatory power of the Bar Council of India as it prohibited the right of profession under Article 19(1)(g) of the Constitution of India and thus was not a reasonable restriction. It was urged by Mr. G. Ramesh Babu, learned counsel for the petitioner, that the rule in the present form is even harsher as retired judicial officers are prevented from practicing in any of the Courts under the jurisdiction of this High Court.

List along with W.P.No.1222 of 2009.

In the meantime, the operation of the impugned Rule 7 of Chapter III, Part VI of the Bar Council of India Rules shall remain suspended.

DHIRAJ SINGH THAKUR, CJ

R. RAGHUNANDAN RAO, J

AMD