

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

WP No. 35160 of 2025

(ROHIT PATHAK Vs THE BAR COUNCIL OF INDIA AND OTHERS)

Dated : 11-09-2025

Shri Rohit Pathak (self) - Advocate for the petitioner.

Shri Aditya Veer Singh - Advocate for the respondent No.1.

Shri Har Sahai Pateriya - Advocate for the respondent No.2.

Petitioner impugns the demand of transfer fees by the Bar Council of State of Madhya Pradesh for registering his name pursuant to the transfer order issued by the Bar Council of India dated 5.7.2025.

Petitioner enrolled himself as an Advocate with the Bar Council of Delhi, however for certain personal reasons, the petitioner shifted his practice from Delhi to Jabalpur (MP) and accordingly submitted an application for transfer of his enrollment from the Bar Council of Delhi to Bar Council of Madhya Pradesh.

Petitioner submits that though no fee was chargeable however fee was demanded by the Bar Council of Delhi as well as Bar Council of India, which were duly paid and thereafter transfer order dated 5.7.2025 was issued by the Bar Council of India and the transfer application No.154/2025 of the petitioner was allowed subject to surrender of the certificate of enrollment being submitted to the Bar Council of Delhi for an endorsement on it to be transfer to Bar Council of Madhya Pradesh.

Petitioner submits that on 18.7.2025 the certificate was submitted with the Bar Council of Delhi which has carried out the endorsement and

forwarded the same to Bar Council of Madhya Pradesh. He submits that instead of registering the name in the roll of Advocates, a exorbitant demand of Rs.15,000/- is being made for accepting the transfer.

Petitioner relies on Section 18 of the Advocates Act, 1961, which reads as under:-

“18. Transfer of name from one State roll to another-

(1) Notwithstanding anything contained in section 17, any person whose name is entered as an advocate on the roll of any State Bar Council may make an application in the prescribed form to the Bar Council of India for the transfer of his name from the roll of that State Bar Council to the roll of any other State Bar Council and, on receipt of any such application the Bar Council of India shall direct that the name of such person shall, without the payment of any fee, be removed from the roll of the first mentioned State Bar Council and entered in the roll of the other State Bar Council and the State Bar Councils concerned shall comply with such direction:

[Provided that where any such application for transfer is made by a person against whom any disciplinary proceeding is pending or where for any other reason it appears to the Bar Council of India that the application for transfer has not been made bona fide and that the transfer should not be made, the Bar Council of India may, after giving the person making the application an opportunity of making a representation in this behalf, reject the application.]

(2) For the removal of doubts it is hereby declared that where on an application made by an advocate under sub- .-section (1), his name is transferred from the roll of: one State Bar Council to that of another, he shall retain the same seniority in the latter roll to which he was entitled in the former roll."

Perusal of Section 18 shows that for transfer of name from one State

roll to another, the transfer has to be effected without payment of any fee. Furthermore, the Bar Council of India has already passed an order transferring the enrollment of the petitioner from Bar Council of Delhi to Bar Council of Madhya Pradesh. Petitioner has already produced the certificate for endorsement to Bar Council of Delhi and endorsement has already been made on the certificate of the petitioner which has now being submitted to Bar Council of Madhya Pradesh. However, the name of petitioner has yet not been registered.

Issue notice.

Notice accepted by the learned counsels appearing for the Bar Council of India as well as Bar Council of Madhya Pradesh.

Since there is no role of Bar Council of Delhi/respondent No.3, notice is not issued to Bar Council of Delhi at this stage.

Learned counsel appearing for the State Bar Council of Madhya Pradesh prays for time to take instructions.

At request, renotify on 07.10.2025.

In the meantime, the State Bar Council of Madhya Pradesh is directed to register the name of petitioner in its roll subject to further orders, without charging any fee at this stage.

(SANJEEV SACHDEVA)
CHIEF JUSTICE

(VINAY SARAF)
JUDGE