



2026:KER:61973

WP(C) No.2772 of 2026

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

TUESDAY, THE 11TH DAY OF AUGUST 2026 / 20TH SRAVANA, 1948

WP(C) NO. 2772 OF 2026

PETITIONER/S:

SIMY. S
AGED 45 YEARS
D/O LATE SIVARAMA PILLAI SARASWATHY KRIPA, 39/6368,
RSRA, TEMPLE ROAD SOUTH, RAVIPURAM, KOCHI, ERNAKULAM
DISTRICT., PIN - 682015

BY ADVS.
SRI.RENJITH THAMPAN (SR.)
SRI.JAISHANKAR V.NAIR
SMT.ARATHI KARUNAKARAN
SMT.CRISTY THERASA SURESH

RESPONDENT/S:

- 1 BAR COUNCIL OF KERALA
BAR COUNCIL BHAVAN, HIGH COURT CAMPUS, KOCHI,
ERNAKULAM DISTRICT, REPRESENTED BY ITS SPECIAL
SECRETARY/ SECRETARY IN CHARGE, PIN - 682031
- 2 THE CHAIRMAN, BAR COUNCIL OF KERALA
BAR COUNCIL BHAVAN, HIGH COURT CAMPUS, KOCHI,
ERNAKULAM DISTRICT., PIN - 682031
- 3 THE CHAIRMAN, EXECUTIVE COMMITTEE OF BAR COUNCIL OF
KERALA,
BAR COUNCIL OF KERALA, BAR COUNCIL BHAVAN, HIGH COURT
CAMPUS, KOCHI, ERNAKULAM DISTRICT., PIN - 682031



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- 4 THE CHAIRMAN, COMMITTEE OF OFFICE BEARERS OF BAR
COUNCIL OF KERALA
BAR COUNCIL OF KERALA, BAR COUNCIL BHAVAN, HIGH COURT
CAMPUS, KOCHI, ERNAKULAM DISTRICT., PIN - 682031
- 5 R HARI BABU
KURUTHOLA, KADAKAVOOR, THIRUVANANTHAPURAM DISTRICT.,
PIN - 695306

BY ADVS.

FOR R1 TO R4 BY SRI.P.RAMAKRISHNAN

FOR R5 BY SRI.O.V.RADHAKRISHNAN (SR.)

SRI.H.VISHNUDAS

SHRI.GEORGE VARGHESE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
10.07.2026, THE COURT ON 11.08.2026 DELIVERED THE
FOLLOWING:



JUDGMENT

The issue involved in this writ petition is in relation to the challenge raised by the petitioner, who was working as the Secretary to the Bar Council of Kerala, against the order accepting the resignation submitted by the petitioner, despite the fact that, such resignation was withdrawn by her before its acceptance.

2. The facts that led to the filing of this writ petition are as follows: The petitioner, who was a practising Advocate, was appointed as the Secretary to the 1st respondent-Council vide Ext.P1 appointment order dated 28.2.2025. The selection of the petitioner was based on a competitive selection process, which consisted of written examination and interview.

3. Thereafter, the petitioner was performing the functions of the Secretary until 7.1.2026. On that day, as required by the Chairman of the Executive Committee of Bar Council, a staff meeting was convened. According to the petitioner, the Secretary being the Chief Executive Officer of the Bar Council, is under an obligation to record the minutes of the meetings of the Council and



Committees, and forward the copies of the same to the Members of the Council within a fortnight from the date of previous meeting, in the light of Rule 6(vi) of the Bar Council of Kerala Rules. Accordingly, the petitioner voice recorded the proceedings in the meeting using her mobile phone. However, upon noticing the above voice recording, the Chairman of the Executive Committee and some of the members of the said Committee alleged that the said recording was inappropriate and unwarranted. According to the petitioner, she was blamed, pressurised and was wrongly made to believe that, she had committed an illegal act by recording the proceedings. It is also averred in the writ petition that, it was conveyed to her that, she will have to submit resignation, otherwise, she will be proceeded against and the mobile phone will be confiscated. Thus, according to her, due to compulsion and pressure leading to misunderstanding of alleged wrongful act, the petitioner involuntarily submitted a proposal for resignation by about 6.30 p.m.on 7.1.2026, which was addressed to the Chairman of Bar Council of Kerala. Exhibit P2 is the letter of resignation.

4. However, upon realizing the mistake, on the next day morning itself, the petitioner submitted Ext.P4 letter dated 8.1.2026 for withdrawing the proposed resignation. In the meantime, the



Special Secretary to the Bar Council of Kerala issued Ext.P5, wherein, the petitioner was intimated that, the Chairman of Bar Council of Kerala has directed to inform the petitioner that, till a final decision is taken by the Council on the resignation letter submitted on 7.1.2026, she shall refrain from attending the duties of the Secretary from 8.1.2026.

5. Subsequently, the petitioner was issued with Exts.P6 and P7 communications dated 21.1.2026. Ext.P6 was issued to intimate the petitioner that, the Chairman, Bar Council of Kerala, has already accepted the resignation on 7.1.2026 itself, which decision was ratified by the Committee constituted by the Bar Council of India and the Bar Council of Kerala, on 20.1.2026 and thus it has become final, conclusive and irrevocable. Therefore, the petitioner was relieved from the duties of the Secretary from the date of resignation. Ext.P7 communication was issued to convey that, since the application for resignation was already accepted by the Chairman, Bar Council of Kerala on 7.1.2026 itself and that it has become final, conclusive and irrevocable, the subsequent letter withdrawing the resignation cannot be accepted. The Writ Petition was originally filed by the petitioner in such circumstances challenging Exts.P5,P6 and P7, and also to declare



that the resolution dated 20.1.2026 of Bar Council of Kerala and the resolution of the Committees leading to Ext.P6 communication as unsustainable and without jurisdiction. Some other consequential reliefs were also sought in the writ petition.

6. In response to the averments in the writ petition, a counter affidavit was submitted by the respondents 1 to 4 denying the averments contained in the writ petition. Along with the said counter affidavit, Articles of Agreement executed by the petitioner with the Bar Council of Kerala, the copy of the resignation letter submitted by the petitioner that contains the endorsement of the Chairman of the Bar Council of Kerala that the same was received and accepted on 7.1.2026, the copy of the withdrawal of resignation submitted by the petitioner with the endorsement with the said Chairman, the minutes of the staff meeting of the Bar Council held on 7.1.2026, the minutes of the meeting of the Executive Committee held on 15.1.2026 and the minutes of the meeting of the Committee of Office bearers of the Bar Council on 20.1.2026 etc.were produced. In the said counter affidavit, it was averred that, the petitioner had submitted the resignation voluntarily, after the members of the Committee detected that, the petitioner was unauthorisedly recording the meeting using her mobile



phone, and such resignation was accepted by the Chairman of the Bar Council of Kerala on the same day itself. It was also averred that, even though the Chairman was not physically present in the meeting and he was participating in the meeting virtually, the endorsement of acceptance on the resignation letter as reflected in Ext.R1(b), was obtained after sending the said resignation letter through one of the staff members, to the residence of the Chairman on the same day. Thus, the resignation letter was already accepted by the Chairman, such acceptance was ratified by the Executive Committee in its meeting held on 15.1.2026 and it was also approved by the Committee of office bearers of 20.1.2026 as per Exts.R1(g) and Ext.R1(h).

7. After submission of the counter affidavit, the petitioner amended the writ petition as permitted by this court per the order in I.A. No.1/2026 on 19.3.2026. As per the said amendment, some additional pleadings and reliefs were incorporated with reference to the documents produced along with the counter affidavit of the respondents 1 to 4.

8. The writ petition was further amended by the petitioner as per order dated 9.6.2026 in I.A. No. 4/2026, whereby,



some additional documents were produced by incorporating some additional pleadings. After the amendment, an additional affidavit was submitted on behalf of the 3rd respondent along with Ext.R3(1) to R3(3). The petitioner had submitted reply affidavit to the said counter affidavit as well.

9. The 5th respondent who was appointed as the Secretary to Bar Council of Kerala, consequent to the relieving of the petitioner from the said post based on her resignation, has also submitted a detailed counter affidavit opposing the reliefs sought by the petitioner and disputing the averments made in the writ petition. The petitioner submitted reply affidavit to the said counter affidavit as well.

10. Earlier, when the writ petition came up for consideration on 22.1.2026, this Court passed an interim order that the appointment of the 5th respondent would be subject to the final decision of the writ petition and it was made clear that, if the writ petition is allowed, the 5th respondent has to vacate the post. It is in these circumstances, this writ petition will have to be considered.

11. I have heard Sri. Ranjith Thampan, the learned Senior Counsel appearing for the petitioner, assisted by Sri.



Jaishankar V. Nair, Sri. P. Ramakrishnan, appearing for the respondents 1 to 4 and Sri. O.V.Radhakrishnan, the learned Senior Counsel assisted by Sri. Vishnudas H. appearing for the 5th respondent.

12. One of the crucial issues to be determined in this writ petition is relating to the validity of the Exts.P6 and P7 decision taken by the Bar Council of Kerala, to ratify the acceptance of the resignation claimed to have been made by the Chairman of the Bar Council of Kerala and the rejection of the application for withdrawal of the resignation. In this regard, one of the contentions raised by the learned Senior Counsel for the petitioner is that, as per Section 11 of the Advocates Act, every Bar Council has to appoint a Secretary and thus the appointing authority of the Secretary is the Bar Council of Kerala. Therefore, the acceptance of the resignation could have been made only by the Bar Council of Kerala and not by the Chairman. Here, in this case, before the acceptance of the resignation by the Bar Council of Kerala, the petitioner had submitted Ext.P4 letter withdrawing Ext.P2 letter of resignation. As per Ext.R1(a), the bond executed between the parties, particularly clause (8), it is clearly specified that, in respect of any matter in regard to which no provision



has been made in the agreement, the provisions of Kerala Service Rules shall apply, to the extent to which, they are applicable to the service hereby provided and the decision of the Bar Council of Kerala as to their applicability shall be final. Thus, it was contended that, in the light of the above, Government Decision No.1 in Rule 23, Chapter III, Part I of Kerala Service Rules (KSR) is applicable, which provides that, the acceptance of the resignation has to be made by the appointing authority. Clause(d) of the Government decision in G.O.(P) No.98/65/Fin dated 22.03.1965, specifically provides that, a resignation becomes effective when it is accepted and the officer is relieved from the office duties. It is further provided that, if the resignation has not become effective and the officer wishes to withdraw it, it shall be open to the authority which accepted the resignation either to permit the officer to withdraw the resignation or to refuse the request for such withdrawal. It further provides that, where a resignation becomes effective, the officer shall be no longer in Government service and acceptance of the request for withdrawal would amount to re-employing him after condoning the period of such break. Thus, it is contended that, in this case, the appointing authority has not accepted the resignation and the petitioner was not relieved as



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on the date when Ext.P4 letter withdrawing the resignation was submitted. Therefore, the petitioner had a right to get the resignation withdrawn, by virtue of the statutory provisions and thus the acceptance of resignation by rejecting the withdrawal thereof, on the ground that, the resignation was accepted by the Chairman, who is incompetent to do so, not being an appointing authority, on the same day of submission of resignation itself, is not at all sustainable in law. Apart from the above, the learned Senior Counsel for the petitioner also brought to the attention of this Court, various documents which would indicate that, the claim of the respondent that the letter of resignation was accepted on the same day i.e., 7.1.2026, itself, is factually wrong.

13. On the other hand, learned counsel appearing for respondents 1 to 4 vehemently contended that, the resignation was submitted by the petitioner, by handing over the same to the Chairman of the Executive Committee, during its meeting on 7.1.2026 in the presence of Chairman, Bar Council of Kerala, who attended the said meeting through virtual mode. In the said meeting itself, the Chairman has accepted the same and necessary endorsement in this regard is already made by the Chairman, Bar Council of Kerala on the



same day itself, when it was forwarded to the Chairman through one of the staff, to his residence. Thus, a valid acceptance was already made on the same day itself, and the letter of withdrawal was on the next day i.e., on 8.1.2026. The said acceptance by the Chairman was ratified by the Executive Committee in its meeting held on 15.1.2026, as evidenced by Ext.R1(g), which was approved by the Committee of Office bearers in its meeting held on 20.1.2026 as evidenced by Ext.R1(h).

14. With regard to the contention raised by the petitioner regarding the appointing authority being the Bar Council, and that the resignation could not have been accepted by the Chairman, the specific answer of the learned counsel for the respondents 1 to 4 is that, the original term of Bar Council of Kerala expired on 6.11.2023 and thereafter the same was extended for a period of six months as per proviso to section 8 of the Advocates Act, which term, came to an end on 6.5.2024. Thereafter, the Bar Council of India formed three committees as evidenced by Ext.R3(3) i.e., Committee of office bearers, Executive Committee and the Enrolment Committee. The said committees were looking after the functions of the Bar Council since its constitution on 20.5.2024. The appointment of the petitioner was



also made by the said committee and therefore, the petitioner cannot contend that, the decision taken by the said committee to relieve the petitioner by accepting her resignation, is not competent. In short, the contention is that, in the case of the petitioner, the appointing authority is the committee referred to above and not the Bar Council of Kerala and hence the contention of the petitioner regarding the lack of competence of the committee cannot be accepted.

15. Apart from the above, the learned counsel for the respondents 1 to 4 contended that, in this case, a decision to accept the resignation is already taken by the competent authority on 7.1.2026 itself and it is not necessary that such decision should be communicated to the petitioner to treat such acceptance as effective. Therefore, the resignation became effective on the date of submission of such resignation itself i.e., on 7.1.2026 and therefore, the petitioner could not have submitted Ext.P4 letter to withdraw such resignation since such withdrawal is not contemplated in the Government decision No.1(d) of Rule 23 Chapter III Part I KSR. It is further contended that, even if it is assumed that, the letter of withdrawal was validly submitted, as per the provision referred to above, the appointing authority is empowered, either to accept it or to reject it. In this case,



the respondents have decided not to accept the letter withdrawing the resignation and hence no interference could be made in the said decision, as it is in tune with the statutory requirements in this regard. The learned Counsel also elaborately argued about the irregularities committed by the petitioner by recording the proceedings without authorization and also as to the various complaints submitted by the staff of the Council against the petitioner which was the subject matter in the meeting held on 7.1.2026. Thus, the said respondents seek dismissal of the writ petition.

16. The learned Senior Counsel appearing for the 5th respondent, raised various contentions while supporting the contentions put forward by respondents 1 to 4. It was contended that, the provisions in KSR would not be applicable to the resignation submitted by the petitioner, in view of the fact that, the same is adopted on the strength of Ext.R1(a) bond executed between the petitioner and the Bar Council. After referring to the definition of 'Bond' as per section 2(a)(i) of the Kerala Stamp Act, it was contended that, the same cannot be treated as valid and enforceable under law. Besides, Rule 3(1)(a) of KSR was also relied on to contend that, the said rules cannot be made applicable to Bar Council of Kerala.



17. All the parties have referred to a large number of decisions in support of their respective contentions which shall be dealt with when the matter is being discussed on merits in this judgment.

18. I have carefully gone through the records, perused the relevant statutory provisions and examined the contentions raised by all the parties.

19. When it comes to the question of competence of the authorities, the relevant aspect to be noticed is that, according to the petitioner, since Section 11 of the Advocates Act, contemplates the Bar Council as the appointing authority of the Secretary, only the Council could have taken the decision to accept the resignation and not the Chairman thereof. However, important aspect in this regard is that, as rightly pointed out by the respondents 1 to 4, the Bar Council of Kerala is not in existence and it is being governed by the Committees referred to in Ext.R3(3) since 20.5.2024. The appointment order was issued by the Committee formed by Bar Council of India, on 28.2.2025, when the Council was not existing and even now, the affairs of the Bar Council are managed by the said Committees. Therefore, the competence of the said Committees



cannot be disputed by the petitioner.

20. However, even while accepting the same, one of the crucial aspects to be noticed is that, the committees referred to above, have not taken any independent decision on their own, in their meetings held on 15.1.2026 and 20.1.2026. What the said committees have done is to simply ratify the acceptance of the resignation claimed to have been made by the Chairman of Bar Council of Kerala on 7.1.2026. On going through the tone and tenor of the decisions reflected in Exts.R1(g) and (h) minutes, the resignation was accepted and the letter withdrawing the resignation was rejected merely because, the Chairman accepted the resignation before submission of the letter of withdrawal.

21. While considering the sustainability of the said decision, it is to be noted that, going by the decision taken by the Bar Council of India, as evidenced by Ext. R3(3), the Chairman, Bar Council of Kerala, is only one among the members of the said Committees and he was not even entrusted with any special/specific power to take a decision on his own, that binds the Committee and thereby to treat it as a decision of Bar Council of Kerala. Therefore, even if it is accepted for argument sake that, the Chairman, Bar



Council of Kerala has accepted the resignation on 7.1.2026 itself, that cannot be treated as a decision that amounts to acceptance of such resignation by a competent authority. This would mean that, the acceptance of resignation on 7.1.2026 by the Chairman would not give any sanctity to such acceptance, so as to deprive the petitioner from invoking her right to withdraw such resignation as contemplated under Rule 23 Chapter III Part I KSR.

22. In this regard, it is to be noted that, the Rule 23 referred to above, confers a specific right upon the petitioner to withdraw the resignation, before it has become effective. As per the said provision, the resignation becomes effective only when it is accepted and the officer is relieved from the duties. In this case, it is discernible from the records that, the petitioner was relieved from the duty only as per Ext.P6, which was on 21.1.2026.

23. It is to be noted that, the petitioner has already submitted Ext.P4 letter for withdrawing the resignation as early as on 8.1.2026, which was received by the 1st respondent as inward no. 156. As per Ext.P12 register, the same is received on 12.37 p.m.on 8.1.2026. Ext.P5 would indicate that, a communication was issued by the Special Secretary to the petitioner on 8.1.2026 informing the



petitioner that, the decision on the resignation is to be taken by the Council, and the petitioner was directed to refrain from reporting duty, which falls short of relieving her from duty. Thus, it is evident that, as on the date of submission of the letter to withdraw the resignation, the petitioner was not relieved from the service.

24. As mentioned above, going by Rule 23 of KSR referred to above, the resignation becomes effective only when, it is accepted and the officer is relieved of his duties. Therefore, in order to treat a resignation as effective, it has to satisfy two conditions i.e., it has to be accepted and the officer has to be relieved of the duty. Apparently, the said events have not occurred in the case of the petitioner, at the time when Ext.P4 application for withdrawing the resignation was submitted. It is also relevant to note the contents of the resignation letter wherein, the petitioner has mentioned "*I am hereby tendering my resignation from the post of Secretary BCK*". As per The Oxford English Dictionary,(1st Edition,1911) the word tender reads thus;

"TENDER- Offer, present, give in, (one's services, resignation, etc.); offer (money etc.) as payment; make a~ (for supply of thing or execution of work)."

Thus, the language employed by the petitioner in the resignation letter itself indicates that the resignation was merely an offer to resign and



not a final or unconditional relinquishment of the office. Therefore, the petitioner had every right to pursue the withdrawal, based on Ext.P4, as the resignation was not effective as on the date of submission of the same. In view of the same, the respondents 1 to 4 were under an obligation to consider Ext.P4 letter for withdrawing the resignation and the rejection of the same merely because of the reason that, it was accepted by the Chairman, is not at all legally sustainable.

25. It is also to be noted in this regard that, illegality in such decision is two fold; firstly, on account of the so called acceptance of the registration by the Chairman, who was not competent to accept it, being not an appointing authority and secondly, even if it is treated as accepted, the petitioner was not relieved of the duty as on the date of submission of Ext.P4 so as to treat the resignation as effective as mandated under the above Rule. Therefore, the said decision cannot be sustained at all.

26. On factual reasons also, the contentions of the respondents 1 to 4 as to the acceptance of resignation and its consequences, cannot be accepted as valid. This is because, the specific case of the respondents 1 to 4, as is discernible from Exts.P6,P7,R1(c)and R1(e), is that, the resignation has become final,



conclusive and irrevocable, as the Chairman of the Bar Council has accepted the resignation on 7.1.2026. One of the crucial documents relied on to substantiate such acceptance by the Chairman, is the endorsement made by the Chairman on Ext.R1(b), the letter of resignation submitted by the petitioner. Of course it is true that, it does contain the endorsement of the Chairman to the effect that, he received the same and accepted it on 7.1.2026. However, on carefully going through the records, the veracity of such endorsement be made on 7.1.2026 appears to be very suspicious and the contention raised by the petitioner that, it is a manipulated document, created for the purpose of making an impression that the resignation was accepted before submission of Ext.P4, cannot be ignored. This is because, admittedly, the Chairman of Bar Council appeared in the meeting held on 7.1.2026 through online mode and according to the petitioner, at the relevant time, he was at his residence at Chavakkad, Thrissur (which is not disputed by the respondents 1 to 4). The resignation was submitted by the petitioner after 6 'o' clock in the evening of 7.1.2026 and the meeting itself was concluded by 8.30 p.m.as is discernible from Ext.R1(f) minutes. The petitioner has produced Exts.P11 and P12 which are the outward and inward registers showing the movements of



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the documents and articles, in and out of the office of the 1st respondent. Nowhere in the said register, there is any reference of forwarding Ext.P2 resignation submitted by the petitioner to the residence of the Chairman and receiving the same back from the Chairman, after making the endorsement, as found in Ext.R1(d). Although, the learned counsel for the respondents 1 to 4 made an attempt to explain this by pointing out that, when the documents are forwarded to the members of the Council, normally, such entries are not being made in the inward and outward registers. However, on carefully going through the contents of the said registers, it can be seen that, there are entries indicating forwarding the documents to the members of the Council. Therefore, the said explanation is not at all satisfactory and the lack of such entry in Exts. P11 and P12 is a strong material indicating that a manipulation has indeed occurred in the matter of creating an endorsement on the resignation submitted by the petitioner, apparently to defeat the contentions of the petitioner and the right exercised by her to withdraw such resignation, as an after thought.

27. Further, the practical difficulty in taking out a document after completing the meeting at 8.30 p.m.on 7.1.2026, to



the residence of the Chairman at Chavakkad which is about 75 kms.from the office of the Bar Council of Kerala is a crucial factor that shows the improbability in making such endorsement on 7.1.2026 itself. Further, the lack of any entry in the inward and outward registers with regard to the same fortifies the said probabilities. Therefore, under no circumstances, the endorsement of the Chairman made on Ext.R1(b) could be accepted.

28. The aforesaid finding would certainly lead to the conclusion that, as on the date of submission of Ext.P4 letter to withdraw the resignation, the resignation of the petitioner was neither accepted nor the petitioner was relieved of the duty. Thus, both the conditions, that ought to have been satisfied under Rule 23 Chapter III Part I of KSR, are not satisfied, and hence the right of the petitioner to withdraw the resignation could not have been denied.

29. A careful perusal of the records produced before this Court would indicate more manipulations at the instance of the respondents 1 to 4, which justify the submission made by the petitioner regarding the illegal attempt made by the said respondents to remove the petitioner from the post. Along with the counter affidavit filed by the respondents 1 to 4 on 10.2.2026, they have



produced Exts.R1(c) and R1(e) communications dated 8.1.2026 issued by the Chairman of the Bar Council of Kerala. Ext.R1(c), which bears the number KBC/317/2026, conveys to the petitioner that, since the resignation has been accepted by the Chairman on 7.1.2026, it has become final, conclusive and irrevocable. Similarly, Ext.R1(e), that bears No.KBC/318/2026, conveys the petitioner that, since the resignation has become final, conclusive and irrevocable, the subsequent withdrawal letter of resignation dated 8.1.2026 cannot be entertained. However, going by the counter affidavit by the said respondents, there is no averment that, the said communications were forwarded to the petitioner at any point of time. The issuance of Exts.R1(c) and R1(e) are not reflected in Ext.P11 outward register as well. The petitioner has a specific case that, the said notices were not served upon her.

30. Moreover, Ext.P6 communication issued by the Chairman, to intimate the petitioner that, the resignation has become final, conclusive and irrevocable consequent to the acceptance of the resignation by the Chairman on 7.1.2026, was on 21.1.2026, it was served upon the petitioner on that day itself and it bears the very same number of KBC/317/2026, which is that of Ext.R1(c). Similarly,



Ext.P7 communication dated 21.1.2026 was served to the petitioner to intimate that, consequent to the acceptance of resignation and on it becoming final, conclusive and irrevocable, the subsequent withdrawal letter of resignation cannot be accepted. It is also to be noted that, Ext.P7 bears the number KBC/318/2026 which is the same number of Ext.R1(e).

31. On going through Ext.P11 outward register, the numbers 317 and 318 can only be assigned, in respect of communications sent on 21.1.2026, whereas, the numbers of communications sent on 8.1.2026, are from Serial nos 141 to 150. Thus, the fact that, Exts.R1(c) and R1(e) bear the numbers 317 and 318 respectively, which were the numbers assigned to the communications issued on 21.1.2026 itself is a clear indication that, those documents are fraudulently concocted for the purpose of creating an impression that, the resignation submitted by the petitioner was accepted and acted upon, before the submission of the letter of withdrawal of resignation. Thus, as rightly contended by the petitioner, there is a clear planned attempt by adopting unlawful means, has been made by the 1st respondent and its responsible officers, despite being a statutory body to look after the welfare of the



members of a noble profession. Therefore, under no circumstances, the contentions raised by the respondents 1 to 4 can be accepted.

32. It is also to be noted in this regard that, such documents as referred to above, were created fraudulently, only for the purpose of making a room to raise a contention that, a decision has been taken by the respondent No.1 to accept the resignation and therefore they need not consider the letter of withdrawal of resignation submitted by the petitioner. Such a manipulation of serious nature, is not something that could be expected from a body like the 1st respondent.

33. The learned counsel for the respondents 1 to 4 raised a contention that, they have indeed considered the letter to withdraw the resignation submitted by the petitioner as per Ext.P4, by invoking the discretion available to them under clause (d) of Government decision No.1 to Rule 23 Chapter III Part I KSR. However, it is discernible from Ext.P7 communication that, the said application was rejected, only because of the reason that, according to the 1st respondent, the letter of resignation was already accepted by the Chairman of Bar Council on 7.1.2026 itself, and the said decision was subsequently ratified by the Executive Committee as well as the



Committee of Office bearers on 15.1.2026 and 20.1.2026 respectively. I have already found that, no such acceptance was actually made on 7.1.2026 and that, the documents were fraudulently created to show that it was accepted. I have also already found that, even if an acceptance is made on 7.1.2026, the same being admittedly done by the Chairman, it cannot be treated as a valid acceptance, in view of the fact that, on the date of submission of the letter of withdrawal of resignation, the Chairman was not competent to accept such resignation not being an appointing authority. I have also found that, the Chairman, Bar Council of Kerala, does not have any special power in the matters referred to above, in view of the fact that he is only one of the members of the Committees constituted by the Bar Council of India as evidenced by Ext.R3(3). Therefore, there is no legal basis for the findings in Ext.P7. Moreover, when it is found that, there was no acceptance of the resignation itself and it was a false claim, no legality can be infused to such acceptance (as claimed), by way of ratification. Ratification can be made, for an act, which is already performed and when it is found that, there was no such act at all, there cannot be any question of ratification.

34. Moreover, the discretion vested upon the Bar Council,



to reject the application for withdrawal of resignation has to be, by furnishing the reasons as to why, it cannot be accepted and here in this case, such a consideration was not made on the merits of the application as such, but instead, it was due to the fact that, the resignation was already accepted before submission of the letter of withdrawal. Therefore, the rejection of the said application cannot be treated as a decision taken under the rule referred to above.

35. The learned counsel for the respondents 1 to 4 vehemently contended by placing reliance upon the decision rendered by the Hon'ble Supreme Court in **Raj Kumar v. Union of India [AIR 1969 SC 180]** that, the services of the employee stand terminated from the date on which the letter of resignation is accepted by the appropriate authority and it will not be open to the public servant to withdraw his resignation, after it is accepted by the authority. However, it is clear from the observations made in the said decision itself that, those were made in respect of a situation where, there was no statutory provision that governs the matters relating to acceptance of resignation and withdrawal thereof. In this case, as per Ext.R1(a), it is agreed by the petitioner and the Bar Council of Kerala that, in respect of matters which are not dealt with in the agreement, the



Rules in KSR would be applicable. The respondents 1 to 4 do not have a case that the KSR is not applicable to the petitioner and instead, they themselves are relying upon Rule 23 referred to above. As mentioned above, the said provision contemplates two conditions for a resignation becoming effective; it has to be accepted and the officer should be relieved of the duty. I have already found that both these events have not already occurred in this case. In this regard the observations made by the Hon'ble Supreme Court in **Manohara S.D v. Konkan Railway Corporation Ltd. [2024 SCC OnLine 2546]** and the decisions rendered by this Court in **Sivadas v. Kerala State Handloom Development Corporation[1991 (2) KLT SN 47]** and **Sooryakanth J. v. Kerala State Financial Enterprises Ltd and Others [2019 (1) KLT 787= 2019(1) KHC 890]** are relevant. In **Sivadas's** case (supra) in paragraph 2 and 3, the following observations are made:

"2. The basic principle of law is that an author of a resignation has the right to withdraw the same before it is to take effect Moideenkutty Haji v. State of Kerala ILR 1981 (1) Ker. 488. The authority who is to accept the same cannot accept it on an earlier date and say that service is terminated and hence no withdrawal is possible. The general principle regarding resignation is that in the absence of a legal, contractual or constitutional bar, a 'prospective' resignation can be withdrawn at any time before it becomes effective, and it becomes effective when it operates to terminate the employment or the office tenure of the resignor. This



rule is equally applicable to employees and constitutional functionaries. Union of India v. Gopal Chandra AIR 1978 S.C. 694. If he resigns in presente the resignation will terminate his office forthwith and it cannot thereafter be withdrawn. But if he chooses to resign from a future date, the act of resigning will be complete only for that date and before that he can withdraw because his tenure is not terminated.

3 The services, of an employee normally stands terminated only from the date on which the letter of resignation is accepted by the appropriate authority, unless there is any law or statutory rule governing the conditions of service to the contrary. P. Kasilingam v. P. S. G. College of Technology AIR 1981 SC 789. Till the resignation was accepted by the concerned authority in consonance with the rules governing acceptance, the employee concerned has locus poenitentiae but not later Balram Gupta v. Union of India AIR 1987 SC 2354. When an officer sent a letter by which he purported to resign from a future date adding that the date of receipt of, the letter should be treated as the date of commencement of the notice period, if he was informed that his resignation is accepted with immediate effect by waiving the condition of notice, that would be without jurisdiction Punjab National Bank v. P. K. Mittal AIR 1989 SC 1083. Under common law also, resignation is not complete until accepted by the competent Authority. Before such acceptance; the employee can change mind and withdraw his resignation. When once the resignation is accepted and the contract of service put an end to, the relationship of master and servant ends and thereafter there is no question of withdrawal of the resignation J. K. Cotton Spinning and Weaving Mills Company Ltd. v. State of U.P. 1990 (4) SCC 27."

In all the above decisions, after entering into a finding that, the acceptance of the resignation and the rejection of withdrawal of resignation were not legally sustainable, directions were issued to permit the parties therein to rejoin duty. From the discussions made above and the findings entered into, I am of the view that the observations made in the above decisions are clearly applicable to this



case, and the petitioner is entitled to the very same reliefs.

36. The learned Senior Counsel for the 5th respondent raised a contention with regard to the non applicability of KSR, in view of the fact that, Ext.R1(a) bond executed by the petitioner in favour of the 1st respondent is not legally valid. This submission is made by the learned Senior Counsel, by placing reliance upon the definition of 'bond' as contained in Kerala Stamp Act. However, on going through Section 2(a) of the Kerala Stamp Act, it can be seen that, the same is only an inclusive definition that deals with certain conditions to constitute a bond within the meaning and purpose of Kerala Stamp Act. However, the said contention is not relevant because, Ext.R1(a) is not relied on by the parties for any purposes relating to Kerala Stamp Act, but on the other hand, it was intended to rely on to substantiate the terms and conditions of appointment of the petitioner as the Secretary. Under no circumstances, the clauses contained therein could be treated as unenforceable, particularly since, none of the parties to the said document, i.e., the petitioner and the Kerala Bar Council, have a case that, the said agreement is not binding upon them. On the other hand, both parties are relying upon the same as well. Further, the 5th respondent himself has executed a similar



document, while taking the charge of Secretary, as a substitute to the petitioner. Therefore, I do not find those contentions as relevant, for deciding the issues involved in this case.

37. Another contention raised by the learned counsel for the 5th respondent is by relying upon Rule 3(i)(a) of KSR, which provides that, for the persons on whose appointment and conditions of employment, a special provision is made by or under any law for the time being in force, the KSR shall not be applicable. It is pointed out that, appointment and conditions of employment to the post of Secretary are governed by Advocates Act, Bar Council of India Rules and Bar Council of Kerala Rules and therefore, KSR would not be applicable. However, I am not inclined to accept the said contention as well. The first respondent does not have a case that, there is any statutory rule that governs the resignation and acceptance thereof, of the Secretary. Further, the 1st respondent itself relying upon the provisions of the KSR to justify the orders passed in the matter of accepting the resignation of the petitioner. Therefore, the contentions raised by the 5th respondent is only to be rejected.

38. Apart from the above, a challenge is raised by the petitioner against the appointment of the 5th respondent as well, in



view of the fact that, the said appointment was made from the list which is already expired. This contention is raised because of the fact that, the 5th respondent was next in rank to the petitioner, which was prepared based on a notification, where the vacancies to be filled up, was notified as just one. Therefore, upon appointing the petitioner, the list is exhausted and further appointments could have been made, only based on a fresh selection process and not from the list which is already exhausted. Although, I find force in the said submission, I do not intend to decide the said question, in view of the findings I have already entered into in this judgment.

39. It is to be noted that, as mentioned above, as per the interim order passed by this Court on 22.1.2026, it was ordered that, the appointment of the 5th respondent would be subject to the final decision of this writ petition and it was also clarified that finally if the writ petition is allowed, the 5th respondent has to vacate the post. In this case, I have already found that, the acceptance of resignation and rejection of withdrawal of resignation are not legally sustainable. From the decisions referred to above, and the statutory provisions, the petitioner had a vested right to withdraw the resignation before it was accepted and became effective. The petitioner had clearly exercised



the said right and therefore the respondents could not have relieved her from duty and make appointment to fill up the vacancy by accommodating the 5th respondent. Although several allegations are raised by the petitioner, touching upon her conduct, and the complaints received from the staff in this regard, I am of the view that those are not relevant at all in considering the issues involved in this writ petition, in view of the fact that, the issues here, are only relating to the right of the petitioner to withdraw the resignation before the same is acted upon. As observed above, the said right is already exercised by the petitioner and records indicate a calculated, fraudulent attempt made by the respondent 1 to 4, by way of manipulation of records and concocting the documents, to deny the legitimate rights of the petitioner. Therefore, an interference is required by this Court under Art. 226 of the Constitution of India.

In such circumstances, this Writ Petition is disposed of quashing Exts.P6 and P7 and also declaring that Exts.P7(b) and P7(c) [Exts.R1(c) and R1(e)] are not documents that are legally issued. It is further directed that, the respondents shall take necessary steps to permit the petitioner to rejoin duty as the Secretary to the Bar Council of Kerala by relieving the 5th respondent. The orders in this regard



shall be passed within a period of three weeks from the date of receipt of copy of this judgment.

Sd/-
ZIYAD RAHMAN A.A.
JUDGE

pkk

APPENDIX OF WP(C) NO. 2772 OF 2026

PETITIONER EXHIBITS

- EXHIBIT P1 A TRUE COPY OF THE APPOINTMENT ORDER DATED 28.02.2025 ISSUED BY THE 1ST RESPONDENT THROUGH ITS CHAIRMAN
- EXHIBIT P2 A TRUE COPY OF THE PROPOSAL TO ACCEPT RESIGNATION SUBMITTED BY THE PETITIONER DATED 07.01.2026 ADDRESSED TO CHAIRMAN OF BAR COUNCIL OF KERALA ALONG WITH ITS TYPED COPY.
- EXHIBIT P3 A TRUE COPY OF THE PROCEEDINGS OF THE JOINT STAFF MEETING ISSUED BY THE CHAIRMAN OF THE EXECUTIVE COMMITTEE DATED 07.01.2026
- EXHIBIT P4 A TRUE COPY OF THE LETTER WITHDRAWING THE PROPOSED RESIGNATION DATED 08.01.2026 SUBMITTED BY THE PETITIONER BEFORE THE CHAIRMAN OF THE BAR COUNCIL OF KERALA ALONG WITH ACKNOWLEDGEMENT OF THE SAME DATED 08.01.2026
- EXHIBIT P5 A TRUE COPY OF THE COMMUNICATION DATED 08.01.2026 ISSUED BY THE SPECIAL SECRETARY OF BAR COUNCIL OF KERALA TO THE PETITIONER
- EXHIBIT P6 A TRUE COPY OF THE LETTER BEARING NO.KBC/317/2026 DATED 21.01.2026 ISSUED BY THE CHAIRMAN OF BAR COUNCIL OF KERALA
- EXHIBIT P7 A TRUE COPY OF THE LETTER BEARING NO.KBC/318/2026 DATED 21.01.2026 ISSUED BY THE CHAIRMAN OF BAR COUNCIL OF KERALA

RESPONDENT EXHIBITS

- EXHIBIT R1(A) TRUE COPY OF THE BOND EXECUTED BETWEEN THE PETITIONER AND THE BAR COUNCIL OF KERALA ON 10.03.2025
- EXHIBIT R1(B) TRUE COPY OF THE ORIGINAL OF EXT.P2 RESIGNATION LETTER CONTAINING THE ENDORSEMENT OF CHAIRMAN OF THE EXECUTIVE COMMITTEE AND CHAIRMAN BAR COUNCIL OF KERALA ON 07.01.2026
- EXHIBIT R1(C) TRUE COPY OF THE LETTER NO.KBC/317/2006 DATED 08.01.2026 FORWARDED BY THE CHAIRMAN



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TO THE PETITIONER.

EXHIBIT R1(D) TRUE COPY OF THE ORIGINAL OF THE EXT.P4 LETTER WITH THE ENDORSEMENT OF THE CHAIRMAN BAR COUNCIL OF KERALA DATED 08.01.2026

EXHIBIT R1(E) TRUE COPY OF THE INTIMATION NO.KBC/318/2026 DATED 08.01.2026 FORWARDED BY THE CHAIRMAN OF THE BAR COUNCIL OF KERALA TO THE PETITIONER.

EXHIBIT R1(F) TRUE COPY OF THE MINUTES OF THE STAFF MEETING HELD ON 07.01.2026 AT BAR COUNCIL HALL, ERNAKULAM.

EXHIBIT R1(G) TRUE COPY OF THE MINUTES OF THE RECOMMENDATION MADE BY THE EXECUTIVE COMMITTEE IN THE MEETING HELD ON 15.01.2026

EXHIBIT R1(H) TRUE COPY OF THE RELEVANT EXTRACT OF THE MEETING OF THE COMMITTEE OF OFFICE BEARERS ON 20.01.2026

EXHIBIT R1(I) TRUE COPY OF THE LETTER DATED 21.01.2026 REQUESTING FOR AND ACCEPTING THE FACSIMILE FORWARDED BY THE SPECIAL SECRETARY TO THE PETITIONER.

EXHIBIT R1(J) TRUE COPY OF THE APPOINTMENT ORDER NO.KBC/APPNT/335/2026 DATED 22.01.2026 ISSUED IN FAVOUR OF SRI.R.HARIBABU, ADVOCATE.

PETITIONER EXHIBITS

EXHIBIT P8 A TRUE COPY OF THE RELEVANT EXTRACT OF THE LOCAL DELIVERY TAPAL BOOK MAINTAINED BY THE 1ST RESPONDENT

EXHIBIT P9 A TRUE COPY OF NOTICE NO. KBC/M/25/2025 DATED 05/01/2026 ISSUED BY THE PETITIONER

EXHIBIT P10 A TRUE COPY OF THE NOTICE INVITING APPLICATIONS TO FILL UP THE POST OF SECRETARY DATED 13/08/2024 ISSUED BY THE 1ST RESPONDENT

EXHIBIT P11 A TRUE COPY OF THE RELEVANT EXTRACT OF THE OUTWARD REGISTER MAINTAINED BY THE 1ST RESPONDENT FROM 07.01.2026 TO 21.01.2026

EXHIBIT P12 A TRUE COPY OF THE RELEVANT EXTRACT OF THE INWARD REGISTER MAINTAINED BY THE 1ST RESPONDENT FROM 07.01.2026 TO 08.01.2026

RESPONDENT EXHIBITS



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EXHIBIT R5 (A)	OFFER OF APPOINTMENT AS SECRETARY, BAR COUNCIL OF KERALA NO.KBC/320/2026 DATED 21-01-2026
EXHIBIT R5 (B)	LETTER OF ACCEPTANCE OF THE OFFER OF APPOINTMENT AS SECRETARY, BAR COUNCIL OF KERALA
EXHIBIT R5 (C)	STATEMENT-VAKKALATH IN VARIOUS CASES
EXHIBIT R5 (D)	APPLICATION FOR SUSPENSION OF PRACTISE AS ADVOCATE ON 31-01-2026 BEFORE THE BAR COUNCIL
EXHIBIT R5 (E)	LETTER DATED 03-02-2026 OF THE SPECIAL SECRETARY, BAR COUNCIL OF KERALA
EXHIBIT R5 (F)	LETTER OF RESIGNATION
EXHIBIT R5 (G)	CERTIFICATE OF MEMBERSHIP DATED 16-11-2023
PETITIONER EXHIBITS	
EXHIBIT P7 (A)	TRUE COPY OF ALLEGED EXHIBIT P2 RESIGNATION LETTER CONTAINING ALLEGED ENDORSEMENT OF CHAIRMAN OF THE EXECUTIVE COMMITTEE AND CHAIRMAN OF THE BAR COUNCIL OF KERALA DATED 07.01.2026 PRODUCED AS EXHIBIT R1(B) IN THE COUNTER AFFIDAVIT DATED 10.02.2026
EXHIBIT P7 (B)	A TRUE COPY OF THE LETTER NO. KBC/317/2026 DATED 08.01.2026 ALLEGED TO HAVE FORWARDED BY THE CHAIRMAN TO THE PETITIONER, PRODUCED AS EXHIBIT R1(C) IN THE COUNTER AFFIDAVIT DATED 10.02.2026
EXHIBIT P7 (C)	A TRUE COPY OF THE ALLEGED ORIGINAL OF EXHIBIT P4 LETTER WITH THE ENDORSEMENT OF THE CHAIRMAN BAR COUNCIL OF KERALA DATED 08.01.2026 PRODUCED AS EXHIBIT R1(D) IN THE COUNTER AFFIDAVIT DATED 10.02.2026
EXHIBIT P7 (D)	A TRUE COPY OF THE ALLEGED INTIMATION NO. KBC/318/2026 DATED 08.01.2026 FORWARDED BY THE CHAIRMAN OF THE BAR COUNCIL OF KERALA TO THE PETITIONER PRODUCED AS EXHIBIT R1(E) IN THE COUNTER AFFIDAVIT DATED 10.02.2026
EXHIBIT P7 (E)	A TRUE COPY OF THE MINUTES OF THE ALLEGED RECOMMENDATION MADE BY THE EXECUTIVE COMMITTEE IN THE MEETING HELD ON 15.01.2026 PRODUCED AS EXHIBIT R1(G) IN THE COUNTER AFFIDAVIT DATED 10.02.2026
EXHIBIT P7 (F)	A TRUE COPY OF THE RELEVANT EXTRACT OF THE ALLEGED MEETING OF THE COMMITTEE OF OFFICE



BEARERS ON 20.01.2026 PRODUCED AS EXHIBIT R1(H) IN THE COUNTER AFFIDAVIT DATED 10.02.2026

EXHIBIT P7 (G) A TRUE COPY OF THE APPOINTMENT ORDER NO. KBC/APPNT/335/2026 DATED 22.01.2026 ISSUED IN FAVOUR OF SRI. R. HARIBABU ADVOCATE PRODUCED AS EXHIBIT R1(J) IN THE COUNTER AFFIDAVIT 10.02.2026

RESPONDENT EXHIBITS

EXHIBIT R3(1) TRUE COPY OF LETTER DATED 18.12.2025 GIVEN BY 14 MEMBERS OF THE STAFF OF THE BAR COUNCIL OF KERALA, KERALA ADVOCATES WELFARE FUND TRUSTEE COMMITTEE AND THE BAR COUNCIL OF INDIA ADVOCATES WELFARE COMMITTEE

EXHIBIT R3(2) TRUE COPY OF LETTER BCI:D:2171/2024 DATED 06.05.2024 RECEIVED FROM BAR COUNCIL OF INDIA REGARDING THE CONSTITUTION OF THE COMMITTEE

EXHIBIT R3(3) TRUE COPY OF THE LETTER BCI:D:2454/2024 DATED 20.05.2024 RECEIVED FROM BAR COUNCIL OF INDIA REGARDING THE CONSTITUTION OF THE COMMITTEE