

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2015

CORAM

THE HON'BLE MR.JUSTICE V.RAMASUBRAMANIAN
and
THE HON'BLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition Nos.8364, 9568, 9569 and 9570 of 2014
and
M.P.Nos. 1 of 2014 (4 M.Ps.)

V.R.GanesanPetitioner in W.P.8364 of 2014
M.SivakumarPetitioner in W.P.9568 of 2014
R.SelvakumarPetitioner in W.P.9569 of 2014
M.GanesanPetitioner in W.P.9570 of 2014

Vs.

The Secretary
Bar Council of Tamil Nadu,
High Court Campus,
Chennai 600 104. Respondent in all W.Ps.

Petitions under Article 226 of the Constitution of India
praying for the issue of a writ of Certiorari calling for the
records in the orders bearing R.O.C.Nos.755, 802, 753 and 757
of 2014 dated 10.03.2014 passed by the respondent and quash
the same.

For Petitioner : Mr.M.Radhakrishnan

For Respondent : Mr.S.Y.Masood, Standing Counsel

O R D E R

(Made by V.Ramasubramanian,J)

These writ petitions challenge the individual
communications sent to the petitioners by the Bar Council of
Tamil Nadu, rejecting the applications of the writ petitioners
for enrolment as advocates on the ground that on the date on
which they joined the Law Degree Course, they were above 30/35
years of age.

2. We have heard Mr.M.Radhakrishnan, learned counsel for the petitioners and Mr.S.Y.Masood, learned Standing Counsel for the Bar Council of Tamil Nadu.

3. There is no dispute on facts that the petitioners in these cases joined the Law Degree Course after crossing the age limit prescribed under Clause 28 of Schedule III to Rule 11 of the Rules of Legal Education, 2008, framed by the Bar Council of India. But the said Rule was struck down by the High Court of Punjab and Haryana in Rajan Sharma v. Bar Council by an order dated 20.10.2011, in W.P.No.20966 of 2010. Therefore when the State Bar Council rejected the application of the petitioners for enrolment, the petitioners came up with the above writ petitions.

4. But during the pendency of the above writ petitions, a Division Bench of this Court passed a judgment in W.P.(MD) No.9533 of 2015 dated 7.8.2015 [B.Ashok Vs. Secretary, Ministry of Union Law and Justice, Government of India, New Delhi] upholding the validity of Rule 28 and striking down the resolution passed by the Bar Council of India withdrawing Rule 28. Therefore, the law as such stand today as per the decision of the another Division Bench of this Court does not entitle the petitioners to grant the relief sought for. Hence, the writ petitions are dismissed. There will be no order as to costs. Consequently, M.P.No.1 of 2014 in these writ petitions are closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

gr
To

The Secretary
Bar Council of Tamil Nadu
High Court Campus, Chennai 600 104.

+4cc's to Mr.S.Y.Masood, Advocate, S.R.No.54953 to 54956
W.P.Nos.8364, 9568, 9569
and 9570 of 2014

CA(CO)
CA(16/10/2015)