

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.7.2015

CORAM

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

Writ Petition No.18583 of 2015

G.Karthik .. Petitioner

Vs.

1. The Chairman
Bar Council of Tamil Nadu and Pondicherry
High Court Buildings
Chennai.
 2. The Secretary
Bar Council of Tamil Nadu and Pondicherry
High Court Buildings
Chennai.
 3. The Enrollment Committee
Bar Council of Tamil Nadu and Pondicherry
High Court Buildings
Chennai.
- ... Respondents

Petition under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents to consider the petitioner's representation submitted on 20.4.2015 and direct them to enroll the petitioner in the rolls of the Bar Council of Tamil Nadu and Pondicherry.

For Petitioner : Prof.M.Udaya Bhanu
For Respondents : Mr.S.Y.Masood

O R D E R
(Made by V.Ramasubramanian,J)

The petitioner, whose application for enrolment as an Advocate was not entertained by the Bar Council on account of the pendency of a criminal case, has come up with the above writ petition.

2. Heard Prof.M.Udaya Bhanu, learned counsel for the petitioner and Mr.S.Y.Masood, learned counsel for the respondents.

3. Admittedly, there was a criminal case in Crime No.447 of 2014 on the file of Thiruvallur Town Police Station lodged against the petitioner and the same was pending at the time of submission of application for enrolment. The said case was closed as mistake of fact during April 2015. However, the petitioner has not disclosed the pendency of the criminal case in the application form. Therefore, the application of the petitioner was rejected by the Bar Council.

4. The petitioner made a representation to the second respondent stating that non-disclosure of the criminal case in the application form is not wilful and that the case has been closed as mistake of fact and requesting to enrol him in the rolls of the Bar Council. As the said representation did not evoke any response, the petitioner has come up with the above writ petition.

5. In view of the fact that though a criminal case was pending at the time of submission of the application by the petitioner, the said case was closed as mistake of fact and therefore, no complaint is actually pending against the petitioner as on today. Hence, there is no impediment for the admission of the petitioner for enrolment. Therefore, the writ petition is allowed directing the respondents to process the application of the petitioner in accordance with law and admit him for enrolment if all other qualifications are satisfied and certificates are in order. There shall be no order as to costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrarkpl

To

1. The Chairman
Bar Council of Tamil Nadu and Pondicherry
High Court Buildings, Chennai.
2. The Secretary
Bar Council of Tamil Nadu and Pondicherry
High Court Buildings, Chennai.
3. The Enrollment Committee
Bar Council of Tamil Nadu and Pondicherry
High Court Buildings, Chennai.

1 cc to Mr.Prof.M.Udaya Bhanu , Advocate Sr.No.38871

1 cc to Mr.S.Y.Masood , Advocate Sr.No.39052

W.P.No.18583 of 2015.

pmk.5,8,2015