



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.05.2016

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN
and
THE HONOURABLE MR.JUSTICE B.GOKULDAS

Writ Petition(MD)No.9399 of 2016

N.Jeyaram Sidharth

... Petitioner

Vs.

1. The Secretary,
Bar Council of Tamil Nadu,
Chennai - 104.

2. The Chairperson,
Enrollment Committee,
Bar Council of Tamil Nadu,
Chennai - 104.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing the respondents to enroll the petitioner as an Advocate on the roll of the Bar Council of Tamil Nadu and Pondicherry within a time frame.

For Petitioner : Mr.RM.Arun Swaminatan
For Respondents : Mr.M.Subash Babu

ORDER

The petitioner has filed the present writ petition for issuance of a Writ of Mandamus directing the respondents to enroll the petitioner as an Advocate on the roll of the Bar Council of Tamil Nadu and Pondicherry within a time frame.

2.The petitioner has completed his Law Course in the Month of November, 2015 at Government Law College, Madurai. While being so, on 09.06.2015, the local Sub Inspector of Police one Boominathan attacked the petitioner in the police station. Based on that a Criminal complaint was lodged against the said Sub Inspector of Police. Due to the inactiveness of the local police, his father has approached this Court and filed Crl.O.P.(MD)No.10674 of 2015 seeking for a direction to register a case based on the complaint given by his father.



3. Pursuant to the order of this Court, a case has been registered in Crime No.559 of 2015 and the same was closed within one month and Referred Charge Sheet was served on the petitioner and the petitioner also filed his objection before the learned Judicial Magistrate No.I, Sivagangai under Section 200 Cr.P.C and the same was numbered as Cr.M.P.No.911 of 2015 and the same is pending. The petitioner further states that in the meantime an FIR was registered against this petitioner in Crime No.375 of 2015 under Sections 355, 294(b) and 506(ii) IPC on the file of the Sivagangai Town Police Station and final report was also filed before the learned Judicial Magistrate, Sivagangai and the final report was taken on file in C.C.No.150 of 2015. Against the said final report filed in C.C.No.150 of 2015, the petitioner has filed a quash petition before this Court in CrI.O.P.(MD)No.17534 of 2015 and this Court considered his case and granted an order of interim stay of the entire proceedings C.C.No.150 of 2015 pending on the file of the learned Judicial Magistrate, Sivagangai.

4. After that, the petitioner applied to the first respondent with relevant documents to get enroll himself as an advocate and he disclosed the pendency of the criminal proceedings in column No.13(b) of the enrollment application and also paid the entire fees, which was prescribed in the enrollment application. The enrollment application was placed by the first respondent to the second respondent enrollment committee and also this petitioner was called for enquiry and this petitioner also appeared on 28.04.2016 and disclosed the entire facts about the pendency of the criminal case also, but the petitioner alleged that the second respondent orally replied that due to pendency of the criminal case against him, his enrollment application may be rejected.

5. The petitioner further states that it is his dream and aim to become an advocate, but due to the ego of the said police officer, he was become scapegoat and due to the pendency of the above criminal proceedings, he is unable to enroll his name as an advocate.

6. Therefore, in the above circumstances, the petitioner has approached this Court seeking a directing directing the respondents to enroll the petitioner as an advocate on the roll of the Bar Council of Tamil Nadu and Pondicherry within a time frame fixed by this Court.

7. During the course of argument, this petitioner had relied upon a Judgment passed by this Court in W.P.No.25773 of 2015. In the said writ petition, when the writ petitioner one P.Yasim Begum challenged the order of rejection passed by the Secretary, Bar Council of Tamil Nadu on 14.08.2015 and the said order was quashed by Division Bench of this Court and thereafter, a direction was issued to the first respondent, who is the Secretary of Bar Council of Tamil Nadu and Pondicherry, to permit the



petitioner for enrollment.

8. Considering the petitioner's case, and the Judgment in W.P.No.25773 of 2015, dated 07.09.2015, I am of the considered view that the petitioner had made out a case and hence, we direct the respondents to consider the petitioner's enrollment application, dated 28.04.2016 and pass appropriate orders to enroll the petitioner in the first respondent Bar Council of Tamil Nadu and Pondicherry within a period of two weeks from the date of receipt of a copy of this order.

9. The writ petition is disposed of accordingly. No costs.

Sd/-
Vacation Officer

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
Bar Council of Tamil Nadu,
Chennai - 104.
2. The Chairperson,
Enrollment Committee,
Bar Council of Tamil Nadu,
Chennai - 104.

+ 2 CC TO MR.RM.ARUN SWAMINATHAN, ADVOCATE IN SR NO. 26584

RJ2

TE/AAL-MPA/SAR-I : 23/05/2016 : 3P/5C (IT)

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