

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 16.3.2017

CORAM

THE HON'BLE MR.JUSTICE N.KIRUBAKARAN

Contempt Petition No.2448 of 2016

N.Rajasekar

Petitioner

vs.

1. Mr.V.Baskaran,
Superintendent of Police,
Theni, Theni District.
2. The Principal Accountant General
(G&SSA)
O/o. The Principal Accountant General
(G&SSA)
Tamil Nadu and Pondicherry,
Lekha Pariksha Bhavan,
361, Anna Salai, Teynamept,
Chennai 600 018.
3. The Bar Council of Tamil Nadu and
Pondicherry,
High Court Campus, Chennai.
(R2 and R3 are impleaded,
suo motu, vide order dated
30.9.2016)

Respondents

Contempt Petition filed under Section 11 of the
Contempt of Courts Act, arising out of the order dated
19.8.2013 in W.P.(MD) No.10315 of 2013 passed by this
court.

For petitioner : Mr.D.Raghu

For R1 : Mr.P.Sanjay Gandhi, AGP
For R2 : Mr.V.Vijayashankar
For R3 : Mr.S.Y.Mashood

ORDER

The present contempt petition has been filed by a law graduate contending that his application to get enrolled himself as an Advocate, before the Bar Council of India, was not considered and the same is in violation and non-compliance of the directions/guidelines issued by this court on 19.8.2013 in W.P.No.10315, 10484, 11407 and 10114 of 2013.

2. Taking into consideration the fact that many criminals enter into the legal profession, purchasing law degree from neighbouring States, without undergoing the course and even without having requisite qualification for studying the law course, this court ordered antecedent verification of the prospective candidates, before enrollment, through police, vide order in W.P.(MD) Nos.10315 and 10484, 11407, 10614 of 2013 dated 19.8.2013. Subsequent to the orders passed by this court, the Bar Council of Tamil Nadu and Pudhucherry has been sending the credentials of the law graduates for verification to the Superintendent of Police of the District concerned and also the Commissioner of Police of the Cities to verify the antecedents of the candidates. Only after getting verification certificates from the Police authorities concerned, the law graduates are enrolled, if there are no criminal history of the said candidates. Though, initially,

the police has been doing the verification without insisting any fee, they started insisting upon payment of verification fee as Accountant General made an objection during the audit. Therefore, this court, suo motu, impleaded the Bar Council of Tamil Nadu and Puducherry and also the Principal Accountant General, Chennai as parties.

3. When the matter is called today, learned counsel appearing for the petitioner would submit that subsequently, the first respondent issued verification certificate, without insisting the payment of verification charges and the petitioner also got enrolled. Though it may appear that the order of this court has been complied with, the problems should not continue to proceed, since more and more law graduates are getting enrolled, every month, before the Bar Council of Tamil Nadu.

4. Mr.Vijayashankar, learned counsel appearing for the second respondent-Principal Accountant General would submit that as per G.O.Ms.No.862 Home (Police XIII) Department, dated 6.11.2009, a sum of Rs.3000/- has to be collected by the police from a Company/Private Institution/Organization and MNC, etc. for verification of the antecedents of private candidates for appointment in those Companies and Organizations and in that view alone, the second Principal Accountant General had made the objection.

5. The said objection is not sustainable as the said G.O. is applicable only to the Private Institutions whereas the verification in question is to be made by the police with regard to enrollment of the law graduates, which is only in the public interest, so as to prevent criminal elements entering into the legal profession and making use of the law degree as a shield for their criminal activities. Secondly, it is as per the direction issued by this court. For carrying out the orders of this court, there shall not be any charges by any authority.

6. Whiles, the learned counsel appearing for the second respondent would submit that the objection raised by the Accountant General regarding verification of law graduates by the police without fees has been withdrawn and they would not make any such objection. Therefore, all the parties have agreed to execute the order passed by this court. In any event, to avoid any further clarification in future, the following directions are given:

i) All the police authorities are directed to verify, as per the earlier orders passed by this court dated 19.8.2013, the antecedents of the candidates/law graduates, who are referred by the Bar Council of Tamil Nadu, without insisting for verification charges.

ii) The Accountant General shall not raise any objection with regard to non-levy of any verification

charges by the police in case of verification, with regard to law graduates, at the instance of the Bar Council of Tamil Nadu and Puducherry.

7. With the above direction, the contempt petition is disposed of.

SD/-

JOINT REGISTRAR(OS) (i/c)

ssk

//Certified to be true copy//

Dated at Madras this the day of 2017.

COURT OFFICER(O.S.)

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SS/CO/31/10/2017

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1. The DGP, Chennai-11.

2. The Commissioner of Police,
Madurai city.

3. The Commissioner of Police,
Vepery.

4. The Chairman, Bar Council of Tamil Nadu, Puducherry,
Madras High Court, Madras.

5. Mr.V.Baskaran,
Superintendent of Police,
Theni, Theni District.

6. The Principal Accountant General
(G&SSA)
O/o. The Principal Accountant General
(G&SSA)
Tamil Nadu and Pondicherry,
Lekha Pariksha Bhavan,
361, Anna Salai, Teynamept,
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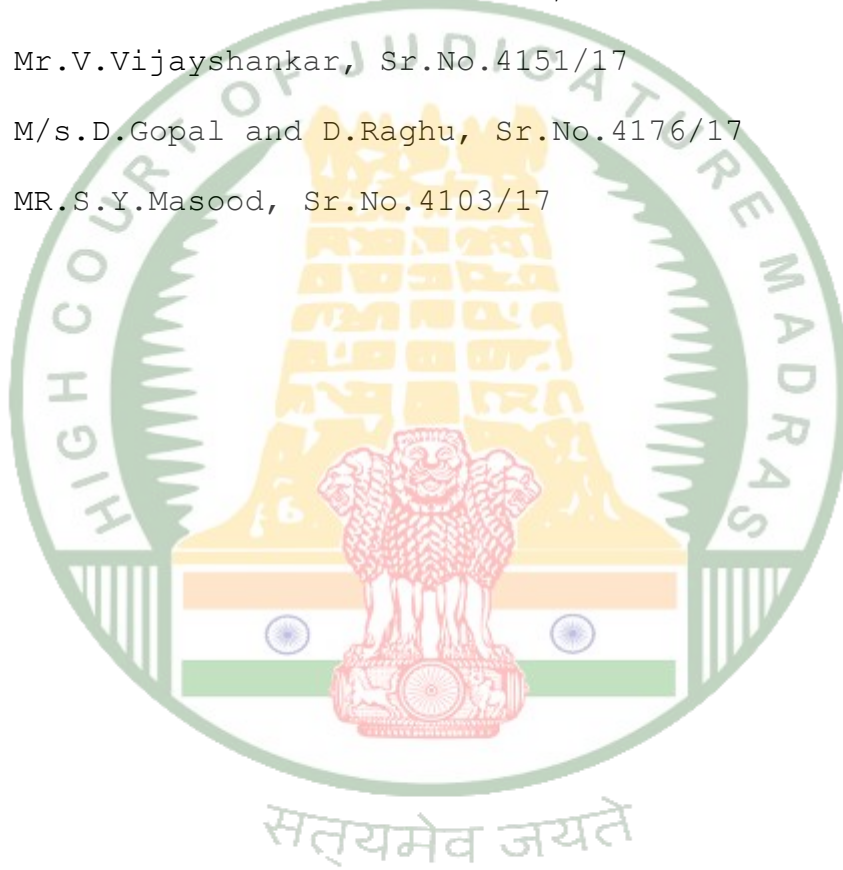
The Section Officer,
Judicial Section,
Madurai Bench,
Madras High Court,
Madurai.

1 cc to the Govt. Pleader Sr.No.4325/17

1 cc to Mr.V.Vijayshankar, Sr.No.4151/17

1 cc to M/s.D.Gopal and D.Raghu, Sr.No.4176/17

1 cc to MR.S.Y.Masood, Sr.No.4103/17



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