

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.38244 OF 2017

ORDER: (per Hon'ble Acting Chief Justice Ramesh Ranganathan)

Heard Sri Challa Srinivas Reddy, Learned Counsel for the petitioner and Smt. S. Nanda, Learned Standing Counsel for the Bar Council of India.

Rule 7 of the Rules of Legal Education - 2008 prescribes the minimum marks in the qualifying examination for admission and, thereunder, the stipulated minimum percentage of marks required to be obtained in the qualifying examination, such as +2 examination in the case of the integrated Five Years' course, is 45%. The proviso thereto stipulates that such minimum qualifying marks shall not, automatically, entitle a person to secure admission into an institution, but would only entitle the person concerned to fulfill other institutional criteria, notified by the institution concerned or by the Government concerned from time to time, to apply for admission.

Sri Challa Srinivas Reddy, Learned Counsel for the petitioner, would submit that, since the pass marks in the qualifying examination is only 35%, the Bar Council of India was not justified in prescribing a higher percentage of 45% marks to be considered for admission into the Five Years' integrated Law course.

The percentage of minimum marks, to be stipulated for admission either into a five year integrated law course or a three year LLB course, are matters for the Bar Council of India to decide. It would

be wholly inappropriate for us, in proceedings under Article 226 of the Constitution of India, to prescribe the minimum marks to be secured by a candidate for admission into either the Five Years' integrated Law course or a Three Years' Law degree course. The aforesaid Rules are made in the exercise of the powers conferred under the Advocates' Act, and are statutory in character. It is only if these rules are held to be so arbitrary as to violate Article 14 of the Constitution of India would interference be justified. The mere fact that a candidate is held to have passed the qualifying examination, if he secures 35% marks, would not, by itself, render the prescription of a higher percentage of 45% marks, for admission to law colleges, so arbitrary as to violate Article 14 of the Constitution of India. The challenge to the validity of Rule 7, on the grounds urged before us by Sri C. Srinivas Reddy, Learned Counsel for the petitioner, must therefore fail.

The Writ Petition is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall stand closed. No costs.

RAMESH RANGANATHAN, ACJ

ABHINAND KUMAR SHAVILI, J

Date: 15.11.2017
MRKR