

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of Decision : 05.07.2017

1. CWP No. 24617 of 2016 (O&M)

Harmanjit Singh Petitioner

Versus

Guru Nanak Dev University and others
..... Respondents

2. CWP No. 25853 of 2016 (O&M)

Jasminder Kaur Petitioner

Versus

Guru Nanak Dev University and others
..... Respondents

3. CWP No. 24646 of 2016 (O&M)

Shubham Dharwal Petitioner

Versus

Guru Nanak Dev University and others
..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Vivek K. Thakur, Advocate
Mr. Munish Thakur, Advocate
for the petitioner (s).

Mr. Amrit Paul, Advocate
for respondents No.1 & 2.

Mr. H.S. Sethi, Addl., A.G., Punjab.

Mr. Amit Khatkar, Advocate
for the Bar Council of India.

AJAY TEWARI, J. (Oral)

This order shall dispose of above mentioned three writ petitions. In these petitions the petitioner (s) are seeking direction to the respondents to allow them to appear in the examination of LL.B. (five years course) Semester-I.

On 29.11.2016 the following order was passed in CWP No.24617 of 2016 :-

“Inter alia submits that the petitioner had passed his 10th examination from Punjab School Education Board as a regular student from DIPS School (Annexure P-1). Thereafter, he passed his 10+2 from Open School Education System and took admission with the respondent No.3-college in the LLB (Five Years Course), which is affiliated with respondent No.1-University.

It is further submitted that the first semester examinations commenced in November, 2016 and he sat in one of the examination on 19.11.2016, but was prohibited from sitting in the second examination on 26.11.2016. It is, accordingly, submitted that even as per the eligibility clause and the explanation, the bar would be for candidates who have obtained 10+2 from open school without any basic qualifications for pursuing such studies who would not be eligible for admission in the law course. It is, accordingly, contended that once 10+2 from open school is recognized and an equivalent degree, the action of the respondent No.1 at this stage is not justified.

Notice of motion.

*Mr. Amrit Paul, Advocate and Ms. Lavanya Paul, AAG,
Punjab accept notice on behalf of respondents No.1 & 2 and 4,*

respectively and pray for time to file replies. Requisite number of copies of the paper-book have been supplied.

Respondent No.3 be served by way of dasti process for 13.12.2016.

In the meantime, the petitioner will be permitted to sit in the balance examinations of the first semester and also entitled to continue with the course, till further orders. It is, however, made clear that the permission granted is purely provisional and shall not create any right of equity in favour of petitioner.

Copy of this order be given to the counsel for the petitioner under the signatures of the Special Secretary of this Court.”

Sh. Amit Khatkar, Advocate for the Bar Council of India has placed on record extracts of minutes of meeting of the Legal Education Committee of the Bar Council of India dated 30.04.2017 which are taken on record as Mark 'A'. As per these minutes of meeting the basic qualification for the admission in the LLB (5 years Course) in terms of the Rule 5 of the Legal Education Rules-2008 is matriculation.

It is stated that on the last date it had been agreed that the final decision in this matter would be taken by the Bar Council of India and the State of Punjab would accept that decision.

The Additional Advocate General, Punjab and Mr. Amrit Paul, Advocate for respondents No.1 and 2 have accepted that in this view of the decision of the Bar Council of India these petitions have to be allowed and the admission of the petitioner(s) have to be regularized.

All the above mentioned three writ petitions are allowed.

Since the main cases have been decided, the pending Civil Misc. Applications, if any, also stand disposed of.

July 05, 2017
pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No