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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6816/2016**
RAHUL DUTTA AND ANR

..... Petitioners

Through Mr.S.N.Singh and Mr. Atul Singh,
Advocates.

versus

UNIVERSITY OF DELHI AND ANR

..... Respondents

Through Mr.Mohinder J.S.Rupal and
Mr.Parang Newmai, Advocates for
R-1.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **21.08.2017**

Petitioner is a practising advocate. He is aggrieved by the fact that to obtain an LL.M degree he necessarily has to enrol himself in a 3 year course. Submission is that the LL.M course (duration of 2 years) is also available with the Delhi University should be made available to a practicing advocate.

In the counter affidavit the stand of the respondent is that the LL.M course is divided into 4 semesters which is for the 2 years LL.M. course. This course is a full time course which is available to all those students who are not in employment or are not engaged in any profession, business or occupation; they should have a degree of LL.B. with 50% marks. On the other hand the 3 year LL.M. course is available to those applicants who are employed or otherwise engaged in a trade, profession, business or occupation; this is a six semester

course; the applicant should have a minimum 50% marks in his LL.B.

Learned counsel for the petitioner has drawn attention of this Court to an order dated 04.8.2016; submission is that this contention of the petitioner had been noted on that date; the stand of the respondent that a professional cannot pursue a 2 years LL.M. course is arbitrary and irrational and violates his fundamental rights; what a student does in his or her free time i.e. at the time when the classes are over and cannot be regulated by the respondent; the Bar Council of India in its meeting held on 18.12.2009 and 20.12.2009 had held that a practising advocates can join in LL.M. course as a regular student without suspending his practice. Submission of the petitioner being that once the Bar Council of India (which regulates the legal profession) allows an advocate to join an LL.M. course, respondent no.2 cannot impose any other conditions/restrictions on his practice of law.

In the course of the arguments, learned counsel for the respondent has been directed to place on record the notification of the University of Delhi in this regard which is a notification (bearing No.CNC-II/093/2015-16/Delhi, the 26th June, 2015). The same has been placed on record. The stand of respondent no.1 is that this notification holds good as on date as well. This notification clearly stipulates that 2 years LL.M. course is a full time course which is available to an applicant who is not in any employment or not engaged in any other trade, business or occupation. The semesters would be spread out over four terms and there would be minimum of 30 contact hours per term. The minimum qualification for the 2 years

LL.M. course was 55% marks in LL.B. There is different criteria for the 3 year LL.M. course. This notification reads as under:

“ 8.Duration of LL.M. Course

- (i) LL.M. One-year (two terms) Course
This is full timeopen only to LL.B. with 55% marks.
The semester of 30 contact hours per term.*
- (ii) LL.M. Two-Year (Four Terms) Course (LL.B. with 50% marks)
This is full time course meant only for those who are not in employment or engaged in any trade, profession, business or occupation.*
- (iii) LL.M. Three-Year (Six Terms) Course: (LL.B. with 50% marks)
This course is meant for all applicants including those who are employed or otherwise engaged in any trade, profession, business or occupation.”*

The contrast in the two courses is evident. The 2 years LL.M. course is for those persons who are not engaged in any employment, trade, profession or occupation. It is treated as a full time course. The 3 years LL.M. course is for those persons who are employed or engaged, in any trade, profession, business or occupation. The rational appears to be clear. The rational being that a person who is not engaged in any trade, profession or business or employment can devote not only more hours to college study but also more hours to home study; that is why such a person is entitled to complete this course in a period of 2 years. A person who is engaged in a trade, profession, occupation or business or employed (as is so in the present case) would have much less time to devote to his study which include not only the study period during classes but also the home study which is required for such a post-graduate course. The petitioner who is one such applicant admittedly being a practising lawyer is spending

several hours in the courts and as such the time available to him in the course of the day to study his LL.M. study is lesser; that is why the course has been spread out over six semesters and qualifies as a 3 year course.

The stand of the Department is clear and unequivocal on this count. The Notification of the Department also evidences that this has been indicated to all candidates/applicants at the time of their entrance test and it is fully known to them at the time when they choose the particular course which they want to enrol in. The Bar Council of India has no role to play in regulating the LL.M. course and the criteria thereof. Even otherwise, in the minutes of the meeting held on 18.12.2009 and 20.12.2009 (as is reflected in the order dated 04.8.2016) it only states that a practising advocate can join an LL.M. course as a regular student without suspending the practice; meaning thereby that a practising advocate can take up an LL.M. course but this LL.M. course has to be 3 year course. In this meeting it had nowhere been recommended by the Bar Council of India that a practising advocate can complete his LL.M. course in 2 years. This is also not the case of the petitioner in this background.

In this background, the contention of the petitioner that he should be allowed to do 2 years LL.M. course while engaged in practice has no merit. Petition dismissed.

INDERMEET KAUR, J

AUGUST 21, 2017/ndn