

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14562 OF 2018

Ms.Nuzhat Jahana Ansari ... Petitioner

Versus

Secretary Bar Council of Maha and Goa
and Ors. ... Respondents

Mr. N. Raja a/w Mr. F.A. Ansari for the Petitioner.

Mr. Makarand Bakore for R. No. 1.

Ms. S.D. Vyas, "B" Panel for the respondent State.

**CORAM : B.P. DHARMADHIKAKRI &
REVATI MOHITE DERE, JJ.**

DATE : JANUARY 07, 2019

P.C.:

Petitioner who is aged over 26 years has approached this court for directing respondent nos.3 to 5 to issue to her a antecedent/character verification certificate so that she could supply it to respondent no.1 and get herself enrolled as an advocate.

2. We heard the respective counsel and though there are some allegations against each other by respondent nos. 3 to 5 and the petitioner, we do not find it necessary to dwell upon it.

3. The policy of respondent nos.1 and 2 to verify the antecedents is not in dispute. It appears that the petitioner applied earlier on 31/10/2018 and for verifying that online application, efforts were made by police. Police claims that they learnt that the petitioner does not reside at the given address. Hence, that application was rejected. Thereafter second application has been moved online on 20/11/2018 and the said application forms the subject matter of the present controversy.

4. Respondent nos.3 to 5 are demanding the adequate address proof for satisfying themselves before issuing the required certificate. Counsel for the petitioner submits that for passport purposes, the stay at the particular place for the period of two years is sufficient and police authorities also on the basis of such stay, conduct and complete that exercise.

5. Learned AGP however, submits that here it is second exercise which is required to be performed in the backdrop of rejection of earlier claim on the basis of the earlier finding that the petitioner does not reside at the address given. She therefore, contends that the respondents are duty bound to ascertain the correct position and to issue certificate only if they are satisfied about the bona fides.

6. We find that the passport or ration card or current electricity/telephone bills or letter from the society or registered tenancy agreement are accepted as proof of residence. Anyone of these documents is sufficient. Ration card or the bills mentioned supra, must carry the name of the person who is seeking such certificate. Obviously here on the electricity bills, in fact the name of the petitioner is not there. Petitioner states that the bill is in the name of her uncle.

6. Learned counsel during the arguments points out that in the application submitted, information sought is about the stay in past 10 years. Petitioner has pointed out that from March, 2013 till November, 2015 she stayed in Flat No. 526, Aksa Manzil, Siddique Lane, Maulana Azad Road, Nagpada, Mumbai 400 008. She states that thereafter she has been staying in the flat no. 419 in the very same building and even today continues to reside there. Learned counsel upon instructions submits that the father of the petitioner has a bank account which again shows the very same address.

7. In the present facts, we find respondent nos. 3 to 5 justified in demanding the satisfactory proof of residence as they have to explain the earlier rejection and review it. However, considering

the age of the petitioner and the facts mentioned supra, we grant the petitioner herein further opportunity to produce the bank passbook or other documents which would show the stay of family in the same area for the period from March, 2013 onwards. Petitioner is born some time in the year 1992 and has passed the law examination in the year 2018. If the documents mentioned supra are produced and police authorities are satisfied about the genuineness of the claim and address, respondent nos. 3 to 5 shall not insist upon any other document and issue necessary certificate to the petitioner within two weeks after submission of such documents.

9. With these directions, we partly allow the petition and dispose of the same. There shall be no orders as to costs.

(REVATI MOHITE DERE, J.) (B.P. DHARMADHIKARI, J.)