

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN
W.P.No.28253 of 2018
and
W.M.P.Nos.32939 and 32944 of 2018

J.Yuvaraj,
S/o.A.Jayaraj,
No.302, Karpaga Vinayagar Koil Street,
(Rajammal House),
Chembarambakkam, Chennai 600 123. Petitioner

Vs.

1.The Secretary,
The Bar Council of India,
No.21, Rouse Avenue Institutional Area,
Near Bal Bhawan, New Delhi, Delhi - 110 002.

2.The Secretary,
The Bar Council of Tamil Nadu,
High Court Campus, Chennai 600 104. Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the impugned resolution dated 09.11.2017 in Resolution No.184 of 2017 and consequential show cause notice dated 13.11.2017 in R.O.C.No.6671 of 2017 of the 2nd respondent, quash the same as arbitrary, illegal and without Jurisdiction.

For Petitioner : Mr.R.Prabakar

For Respondents: Mr.S.R.Raghunathan (for R1)

Mr.R.Singgaravelan
Senior counsel
for Mr.N.Rajan (for R2)

O R D E R

(Order of the court was made by N.KIRUBAKARAN.J.,)

This Writ Petition has been filed challenging the resolution as well as show cause notice issued by the Bar Council of Tamil Nadu, prohibiting the petitioner from practising as an advocate as the petitioner does not possess required qualification and obtained PG degree only from Open University.

2.Heard the learned counsel appearing on behalf of both sides.

3.It is not possible to get an Engineering Degree through Open University and even in respect of Arts Courses also it is impossible to get. However, based on the opinion of the then members, the petitioner had been allowed to enrol. Time has come to view this matter seriously, in view of the deterioration in the standards of legal education as well as in the profession. It is settled law that no Writ Petition is maintainable against a show cause notice. The impugned notice is only a show cause notice issued by the Bar Council. Therefore, the Bar Council can proceed with the matter according to law and decide the matter after hearing the petitioner, within a period of three months from the date of receipt of a copy of this order.

4.Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary,
The Bar Council of India,
No.21, Rouse Avenue Institutional Area,
Near Bal Bhawan, New Delhi, Delhi - 110 002.

2.The Secretary,
The Bar Council of Tamil Nadu,
High Court Campus, Chennai 600 104.

+1cc to Mr.R.Prabakar , Advocate SR.No. 55493

W.P.No.28253 of 2018

A.SK(04/11/2019)