

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 26.11.2019****CWP No.12666 of 2010 (O&M)**

Vikrant Verma

...Petitioner

Vs.

Union of India & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINAPresent: Mr. S.S.Sodhi, Advocate,
for the petitioner.Mr. V.K.Kaushal, Advocate,
for respondent No.1.Mr. C.M.Munjal and Ms. Seema, Advocates,
for respondent No.3.Mr. Adarsh Jain and Ms. Nisha Puri, Advocates,
for respondent No.4.**RAJIV NARAIN RAINA, J. (ORAL)**

1. The petitioner was an entrance test qualifier for admission to the Graduate Law Programme [LLB] of the Chaudhary Charan Singh University, Meerut conducted through its affiliated college run under the name and style of 'Deepanshu College of Law, Saharanpur' where he was a student. In his B.A. degree course he scored 41.4% marks in the aggregate, whereas the Bar Council of Punjab & Haryana regulations required 45% minimum marks at the Graduation level for a valid admission to the three year LLB course. The petitioner had applied to the Bar Council of Punjab & Haryana for a licence to practice within its jurisdiction.

2. Mr. Munjal submits that this issue had been engaging the Bar Council of Punjab & Haryana and at one point of time it was proposed that

petitioner's case was hit by the cut off 45% marks and accordingly they granted him only a provisional licence way back on 30.5.2012 (Annex P-16) but not a regular licence. The petitioner has since been practicing law in the courts at Ludhiana. The petitioner has also passed the All India Bar Examination conducted by the Bar Council of India with proof attached as Annex P-18.

3. On 9.9.2017, the petitioner approached the Bar Council of India, New Delhi with a request representation that he may be granted permanent license. Mr. Munjal submits that the Sub-Committee of the Legal Education Committee of the Bar Council of India considered and discussed the entire issue at length in its meeting held on 12.11.2017 pertaining to the relevant item on the agenda on the subject matter. While paying due regard to Rule 7 of the Legal Education Rule, 2008, the Committee resolved to make recommendations that such of the candidates who took admission in LLB course be permitted to be enrolled as Advocates, in case their admission was on the basis of an entrance examination by ignoring the marks in the graduation degree if less than 45%. On the basis of the minutes, the Bar Council of India ultimately took the following decision vide communication dated 12.11.2017 (Annex P-19):

“Having regard to the fact that the candidates whose enrollment is in issue have been admitted into LL.B. Course on the basis of entrance examination and taking into account, the resolution passed by Legal Education Committee dated 30.04.2010, it is resolved to recommend that such of the candidates who took admission in LL.B. course be permitted to be enrolled, in case their admission is on the basis of entrance examination.

In view of the above, Mr. Vikrant Verma is entitled to be enrolled as an Advocate subject to fulfillment of other

terms and conditions as stipulated by the Bar Council of India and by the State Bar Council.

This letter is subject to final approval/confirmation of the Legal Education Committee and General Council of the Bar Council of India.”

4. In view of this decision of the supreme regulatory body in the matter of prescribing education standards in law in India, the petition is accepted subject to final approval/confirmation of the Legal Education Committee and the General Council of the Bar Council of India. Due respect is given to the decision and the remaining part of the decision-making process as suggested by Mr. Munjal is remitted to the Bar Council of India, New Delhi to initiate the left-over process by calling for the necessary documents etc. from the State Bar Council and on completion of necessary formalities, take a final decision by considering the case of the petitioner and those who may be similarly circumstanced, for enrollment as an Advocate on regular basis. Let the exercise be done preferably within two months from the date of receipt of a certified copy of this order but not beyond three months as the issue remains pending for two years and the fate of the petitioner and his kind are involved which brooks no further delay.

26.11.2019
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes
Yes/No