

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2020

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MR.JUSTICE R. PONGIAPPAN

W.P. No. 30140 of 2019
&
W.M.P. No. 30098 of 2019

Ms. Sri Akshara Gajarajan

..Petitioner

Vs.

1. The Bar Council of India,
21, Rouse Avenue,
Institutional Area,
New Delhi - 110 002.

2. The Bar Council of Tamil Nadu &
Puducherry,
Gate Number 4, High Court Campus,
Chennai - 600 104.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India
praying for issue of a Writ of Mandamus directing the 1st
respondent to permit the petitioner to undertake the All India
Bar Examination.

For Petitioner :: Mr.M.V. Swaroop

For Respondents:: Mr.S.R. Raghunathan for R1
Mr.C.K. Chandrasekar for R2

O R D E R

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

The petitioner is a law graduate holding LLB Degree from University of Warwick followed by Post Graduate Diploma in Legal Practice Course. After acquiring the aforesaid qualifications, the petitioner approached the Bar Council of Tamil Nadu and Puducherry, the 2nd respondent herein, for directions as to the process involved in her enrolment as an advocate in India. The petitioner was informed that she would have to undergo a Bridge Course in any one of the prescribed Universities offering the aforementioned Bridge Course and the petitioner accordingly underwent the course in National Law School of India University,

Bengaluru and complete the same successfully. Even after undergoing the Bridge course, she was not allowed to enrol or write the All India Bar Examination. Therefore, by sending a letter dated 24.09.2019 seeking exemption from qualifying examinations, the petitioner has come before this Court for a direction to the 1st respondent to permit her to undertake All India Bar Examination.

2. Heard Mr.M.V Swaroop, learned counsel for the petitioner and Mr.S.R. Raghunathan, learned counsel for the 1st respondent and Mr.C.K. Chandrasekar, learned counsel for the 2nd respondent.

3. It is submitted by the learned counsel for the petitioner as well as by the learned counsel for the respondents that the petitioner has to pay 2000US\$ as fee for Bar Council of India Qualifying Examination for Indian Nationals holding Foreign Law Degrees. The petitioner has to clear the said examination and only thereafter, she can be permitted to be provisionally enrolled and then, the petitioner will have to appear for All India Bar Examination conducted by the Bar Council of India to get her enrolment confirmed.

4. The petitioner has not, so far, cleared the Bar Council of India Qualifying Examination for Indian Nationals holding Foreign Law Degrees and she has to write the examination to be conducted in March-April. Since the petitioner has already paid the fee of 2000 US\$ in the last examination, it is appropriate to direct the Bar Council of India not to charge her again for writing the said examination. However, this order should not be taken as a precedent as it has been passed based on the peculiar facts and circumstances of the case. The Bar Council of India has to conduct the Bar Council of India Qualifying Examination for Indian Nationals holding Foreign Law Degrees in March-April and declare the results at least before June, 2020.

5. The writ petition is disposed of accordingly. No costs. Connected W.M.P. is closed.

s/d-
Assistant Registrar(CS VIII)

True Copy

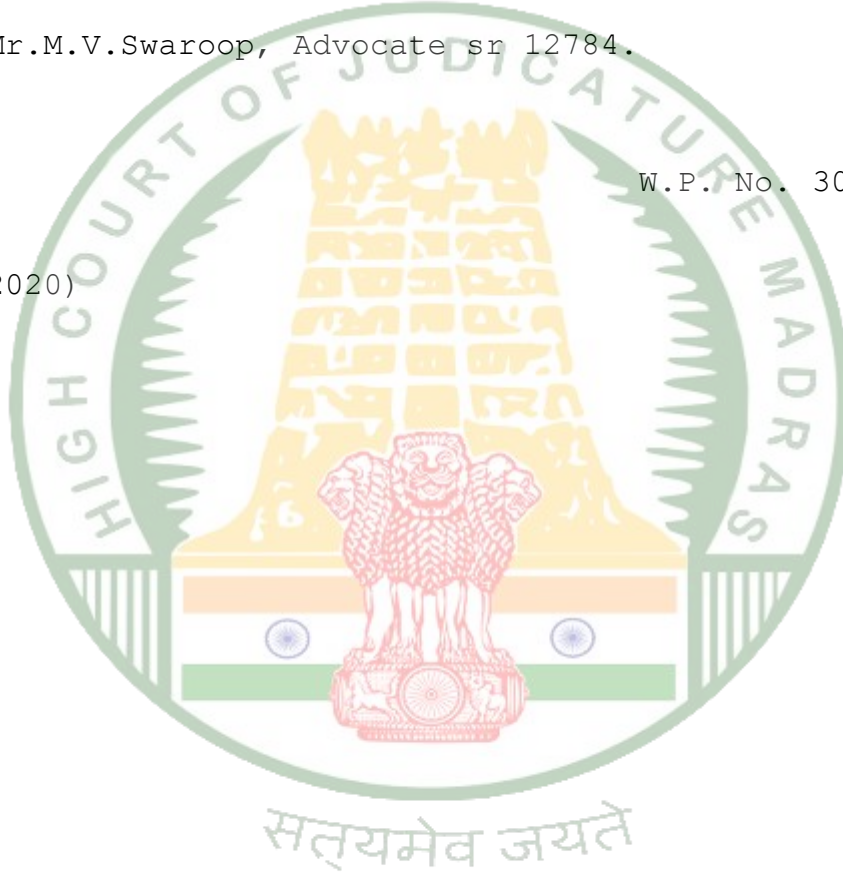
Sub-Assistant Registrar

To

1. The Bar Council of India,
21, Rouse Avenue,
Institutional Area,
New Delhi - 110 002.
 2. The Bar Council of Tamil Nadu &
Puducherry,
Gate Number 4, High Court Campus,
Chennai - 600 104.
- +1 CC to Mr.M.V.Swaroop, Advocate sr 12784.

W.P.No. 30140 of 2019

GJII(CO)
SP(13/03/2020)



WEB COPY