

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.1858 of 2021

M.D.Ashok

.. Petitioner

Vs.

1.The Chief Secretary,  
Tamil Nadu State Government,  
Secretariat,  
Chennai - 600 009.

2.The Secretary to Government,  
Law Department,  
Tamil Nadu State Government,  
Secretariat,  
Chennai - 600 009.

3.The Chairman,  
Bar Council of India,  
21, Rouse Avenue,  
International Area,  
New Delhi - 110 002.

.. Respondents

Petition filed under Article 226 of the Constitution of India  
praying for issue of Writ of Mandamus to consider the  
representation dated 05.1.2021 and to frame a rule and to reduce  
the upcoming new private law colleges.

For Petitioner

: Mr.M.Madhuprakash

For Respondents

: Mr.V.Jayaprakash Narayanan  
State Government Pleader  
for respondent Nos.1 and 2

: Mr.S.R.Raghunathan  
for respondent No.3

## ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The matter pertains to the mushrooming of law colleges in the State.

2. Thankfully, some attention has been given to ensure that law colleges do not come up every other day in every locality, but the standard of education imparted at some of the existing law colleges and the infrastructure available need also to be looked into.

3. The State Bar Council says that it is vigilant and sufficient steps have been taken, but unless there is uniformity all over the country, whether under the aegis of the Bar Council of India or pursuant to orders of Court, the situation cannot be appropriately addressed.

4. There is substance in what the Bar Council says since the regulation of law colleges in one State is undone if unregulated law colleges in a contiguous State allow easy access. There are previous orders of this Court pertaining to the matter and only thing that can be said is for the Bar Council to be vigilant as far as this State is concerned, since it cannot go beyond the territorial limits.

5. There is a letter of the year 2019 that the petitioner relies on. It is a press release issued by the then Chairperson of the Bar Council of India. The first paragraph refers to a moratorium for a period of three years on the opening of new law colleges in the country. A resolution to such effect was taken at a meeting of the Bar Council on August 11, 2019.

6. The matter has to be looked into, in depth, by the Bar Council and possible orders have to be sought at an all India level to ensure that the quality is not compromised in course of more law colleges being born and in the guise of opportunities being created.

7. However, at the end of the day, no mandamus can be issued of the nature sought by the petitioner herein. Further, since it may not be effective merely to regulate the opening of law colleges within the boundaries of this State as easy access to law colleges across the neighbouring States will always be open, no meaningful order is possible to be issued at this level.

8. It will be open to the petitioner to continue the crusade, but he may carry the request to a different level.

9. W.P.No.1858 of 2021 is disposed of. There will be no order as to costs. Consequently, W.M.P.No.6490 of 2021 is closed.

10. Nothing in this order will prevent the Bar Council from considering the petitioner's representation and affording the petitioner a hearing on the matter within the next four weeks.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To:

- 1.The Chief Secretary,  
Tamil Nadu State Government,  
Secretariat,  
Chennai - 600 009.
- 2.The Secretary to Government,  
Law Department,  
Tamil Nadu State Government,  
Secretariat,  
Chennai - 600 009.
- 3.The Chairman,  
Bar Council of India,  
21, Rouse Avenue,  
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New Delhi - 110 002.

+1cc to The Government Pleader SR.NO..18765

AKM/31.03.21/3P- 5C/

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