



IN THE HIGH COURT OF JUDICATURE AT MADRAS

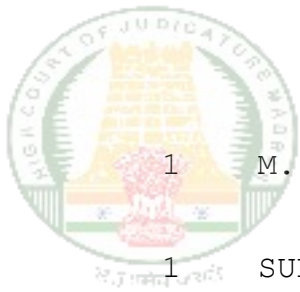
DATED : 22.02.2022

CORAM:

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

WP NOS.9701, 10591, 10592, 10593, 10594, 10595, 10596, 10597,
10614, 10639, 10640, 10641, 10642, 11276, 11725, 11726, 11727,
12362, 12580, 12581 AND 12582 OF 2014
AND CONNECTED MISCELLANEOUS PETITIONS
MP.No.1 of 2014, 1,1,1,1,1,1,1 of 2014

1	MATHIVANAN.D	... PETITIONER in WP No.9701 of 2014
1	MR. SRINIVASAN.N.	... PETITIONER in WP No.10591 of 2014
1	MR. GANESAN.R.	... PETITIONER in WP No.10592 of 2014
1	MR. MURUGESAN.P.	... PETITIONER in WP No.10593 of 2014
1	MR. SRI PRASATH.G.	... PETITIONER in WP No.10594 of 2014
1	MR. ANANTHA PADMANABHAN.V.	... PETITIONER in WP No.10595 of 2014
1	MRS. LAKSHMI.V.	... PETITIONER in WP No.10596 of 2014
1	MRS. SUMATHY.S.	... PETITIONER in WP No.10597 of 2014
1	S. KANNAN	... PETITIONER in WP No.10614 of 2014
1	A. PRABAKARAN	... PETITIONER in WP No.10639 of 2014
1	T. PREMANAND	... PETITIONER in WP No.10640 of 2014



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1 M. THAMBIRAN

... PETITIONER in WP No.10641 of 2014

1 SUBRAMANIAN.N

... PETITIONER in WP No.10642 of 2014

1 BYRON STEPHEN

... PETITIONER in WP No.11276 of 2014

1 SENTHILKUMAR.P

... PETITIONER in WP No.11725 of 2014

1 VENKATESAN S.N

... PETITIONER in WP No.11726 of 2014

1 VIJAYA.V

... PETITIONER in WP No.11727 of 2014

1 J.DEVANATHAN

... PETITIONER in WP No.12362 of 2014

1 A. ELAVERASAN

... PETITIONER in WP No.12580 of 2014

1 J. PAULRAJ

... PETITIONER in WP No.12581 of 2014

1 J.THAMODHARAN

... PETITIONER in WP No.12582 of 2014

-VS-

1 THE SECRETARY
BAR COUNCIL OF INDIA
NO.21 ROUSE AVENUE
INSTITUTIONAL AREA NEAR BAL BHAWAN
NEW DELHI 110 002

2 THE SECRETARY
THE BAR COUNCIL OF TAMILNADU AND PUDUCHERRY
HIGH COURT CAMPUS
CHENNAI 600 104

...RESPONDENTS IN WP.NO.9701 OF 2014

1 THE UNION OF INDIA
REP. BY ITS SECRETARY TO HUMAN RESOURCE &
DEVELOPMENT DEPARTMENT
NEW DELHI.



2 THE UNION OF INDIA
REP BY SECRETARY
MINISTRY OF LAW AND JUSTICE
NEW DELHI.

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3 THE BAR COUNCIL OF INDIA
REP. BY ITS CHAIRMAN NEW DELHI.

4 THE SECRETARY
BAR COUNCIL OF TAMIL NADU AND PONDICHERRY
MADRAS HIGH COURT CAMPUS
CHENNAI-104.

....RESPONDENTS IN WP.NOS.10591, 10592,
10593, 10594, 10595, 10596, 10957,
10614, 12580, 12581 & 12582 OF 2014

1 THE BAR COUNCIL OF INDIA
REP. BY ITS SECRETARY
NO.21 ROUSE AVENUE
INSTITUTIONAL AREA NEAR BAL BHAWAN
NEW DELHI - 110 002.

2 THE BAR COUNCIL OF TAMIL NADU AND PONDICHERRY
REP BY ITS SECRETARY
HIGH COURT BUILDINGS
CHENNAI-104.

3 SRI VENKATESWARA UNIVERSITY
(APPROVED & AFFILIATED BY THE BAR COUNCIL OF INDIA)
REP BY ITS REGISTRAR PRAKASAM NAGAR COLONY
TIRUPATI ANDRA PRADESH 517 502

...1 TO 3 RESPONDENTS IN
WP.Nos.10639, 10640, 10641, 10642 and 11276 of 2014

4 DR.AMBEDKAR LAW COLLEGE
(AFFILIATED TO SRI VENKATESWARA UNIVERSITY TIRUPATI
RECOGNISED BY THE BAR COUNCIL OF INDIA - NEW DELHI)
REP BY ITS PRINCIPAL 19-3-21/F1/A20 K.K
CHRUVU RENIGUNTA
TIRUPATHI 517 501

....4TH RESPONDENT IN WP.NOS.10640, 10641, 10642 OF 2014

4 SRI BASVARAMA THRAGAM
(AFFILIATED TO SRI VENKATESWARA UNIVERSITY TIRUPATI
RECOGNISED BY THE BAR COUNCIL OF INDIA - NEW DELHI)
MEMORIAL LAW COLLEGE
CHEMMUMIA PETA KADAPPA
ANDRA PRADESH

....4TH RESPONDENT IN WP.NOS.10640, 10641, 10642 OF 2014



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4

SBRTM LAW COLLEGE
(AFFILIATED TO SRI VENKATESWARA UNIVERSITY TIRUPATI
RECOGNISED APDVHE HYDERABAD RECOGNISED BY THE BAR COUNCIL OF
INDIA - NEW DELHI)
REP BY ITS PRINCIPAL
CHEMMUMIA PETA
KADAPPA - 3.

....4TH RESPONDENT IN WP.NO.11276 OF 2014

1 THE SECRETARY
THE BAR COUNCIL OF TAMILNADU
HIGH COURT CAMPUS
CHENNAI - 104.

....RESPONDENT IN WP.NO.11725, 11726, 11727, 12362 OF 2014

Prayer in WP No.9701 of 2014:Writ Petition filed under Article 226 of the Constitution of India praying for issuance of writ of certiorari, calling for the records of the second respondent pertaining to the impugned notice cum order bearing ROC.No.929 dated 17.03.2014 to quash the same

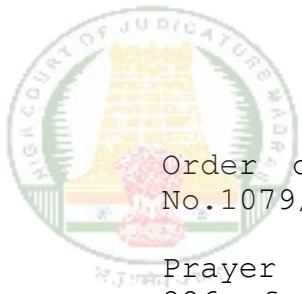
Prayer in WP No.10591 of 2014:Writ Petition filed under Article 226 of the Constitution of India praying for issuance of writ of certiorari, calling for the records relating to the impugned Order dated 17.03.2014 of the 4th Respondent herein in ROC No.1083/2014 and quash the same

Prayer in WP No.10592 of 2014:Writ Petition filed under Article 226 of the Constitution of India praying for issuance of writ of certiorari, calling for the records relating to the impugned Order dated 17.03.2014 of the 4th Respondent herein in ROC No.1081/2014 and quash the same

Prayer in WP No.10593 of 2014:Writ Petition filed under Article 226 of the Constitution of India praying for issuance of writ of certiorari, Calling for the records relating to the impugned Order dated 17.03.2014 of the 4th Respondent herein in ROC No.1078/2014 and quash the same

Prayer in WP No.10594 of 2014:Writ Petition filed under Article 226 of the Constitution of India praying for issuance of writ of certiorari, Calling for the records relating to the impugned Order dated 17.03.2014 of the 4th Respondent herein in ROC No.1082/2014 and quash the same

Prayer in WP No.10595 of 2014:Writ Petition filed under Article 226 of the Constitution of India praying for issuance of writ of certiorari, Calling for the records relating to the impugned



Order dated 17.03.2014 of the 4th Respondent herein in ROC No.1079/2014 and quash the same

Prayer in WP No.10596 of 2014:Writ Petition filed under Article 226 of the Constitution of India praying for issuance of writ of certiorari, Calling for the records relating to the impugned Order dated 17.03.2014 of the 4th Respondent herein in ROC No.1102/2014 and quash the same

Prayer in WP No.10597 of 2014:Writ Petition filed under Article 226 of the Constitution of India praying for issuance of writ of certiorari, Calling for the records relating to the impugned Order dated 17.03.2014 of the 4th Respondent herein in ROC No.1151/2014 and quash the same

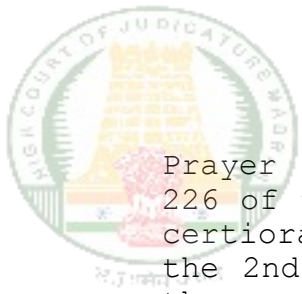
Prayer in WP No.10614 of 2014:Writ Petition filed under Article 226 of the Constitution of India praying for issuance of writ of certiorari, calling for the records relating to the order dated 17.03.2014 of the 4th respondent in ROC.No.996 of 2014 and quash the same

Prayer in WP No.10639 of 2014:Writ Petition filed under Article 226 of the Constitution of India praying for issuance of writ of certiorari, calling for records relating to the notice issued by the 2nd respondent dt 17.3.2014 in ROC No.922 of 2014 and quash the same and direct the 1st and 2nd respondents to issue permanent certificate without any endorsement on the certificate

Prayer in WP No.10640 of 2014:Writ Petition filed under Article 226 of the Constitution of India praying for issuance of writ of certiorari, calling for records relating to the notice issued by the 2nd respondent dt 17.3.2014 in ROC No.1041 of 2014 and quash the same and direct the 1st and 2nd respondents to issue permanent certificate without any endorsement on the certificate

Prayer in WP No.10641 of 2014:Writ Petition filed under Article 226 of the Constitution of India praying for issuance of writ of certiorari, calling for records relating to the notice issued by the 2nd respondent dt 17.3.2014 in ROC No.1048 of 2014 and quash the same and direct the 1st and 2nd respondents to issue permanent certificate without any endorsement on the certificate

Prayer in WP No.10642 of 2014:Writ Petition filed under Article 226 of the Constitution of India praying for issuance of writ of certiorari, calling for records relating to the notice issued by the 2nd respondent dt 17.3.2014 in ROC No.999 of 2014 and quash the same and direct the 1st and 2nd respondents to issue permanent certificate without any endorsement on the certificate



Prayer in WP No.11276 of 2014:Writ Petition filed under Article 226 of the Constitution of India praying for issuance of writ of certiorari, calling for records relating to the notice issued by the 2nd respondent dt 17.3.2014 in ROC No.963 of 2014 and quash the same and direct the 1st and 2nd respondent to issue permanent certificate of enrollment without any endorsement on the certificate

Prayer in WP No.11725 of 2014:Writ Petition filed under Article 226 of the Constitution of India praying for issuance of writ of certiorari, calling for the records in the order bearing R.O.C. No. 4555 of 2014 dated 17.3.2014 passed by the respondent and quashing the same

Prayer in WP No.11726 of 2014:Writ Petition filed under Article 226 of the Constitution of India praying for issuance of writ of certiorari, calling for the records in the order bearing R.O.C. No. 916 of 2014 dated 17.3.2014 passed by the respondent and quashing the same

Prayer in WP No.11727 of 2014:Writ Petition filed under Article 226 of the Constitution of India praying for issuance of writ of certiorari, calling for the records in the order bearing R.O.C. No. 1018 of 2014 dated 17.3.2014 passed by the respondent and quashing the same

Prayer in WP No.12362 of 2014:Writ Petition filed under Article 226 of the Constitution of India praying for issuance of writ of certiorari, Call for the records and quash the proceedings dated 17.3.2014 issued by the respondent and made in Roc.No.1142/2014

Prayer in WP No.12580 of 2014:Writ Petition filed under Article 226 of the Constitution of India praying for issuance of writ of certiorari, calling for the records relation to the Order 17.3.2014 of the 4th respondent herein in Roc. No.930 of 2014 and quash the same

Prayer in WP No.12581 of 2014:Writ Petition filed under Article 226 of the Constitution of India praying for issuance of writ of certiorari, calling for the records relation to the Order 17.3.2014 of the 4th respondent herein in Roc. No.952 of 2014 and quash the same

Prayer in WP No.12582 of 2014:Writ Petition filed under Article 226 of the Constitution of India praying for issuance of writ of certiorari, calling for the records relation to the Order 17.3.2014 of the 4th respondent herein in Roc. No.965 of 2014 and quash the same



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For Petitioners : Mr.S.Navaneethakrishnan
in WP.No.9701/2014

Mr.Guberan for M/s.Bank Associates
in WP.No.10614/2014

M/s.R.Hemalatha in WP.No.10614/2014

Mr.P.Krishnan in WP.No.10639 to
10642/2014

Mr.S.Regu in WP.No.11276/2014

Mr.Radhakrishnan in WP.Nos.11725 to
11727/2014

M/s.Nasarullah in WP.No.12362/2014

Mr.S.Kathiravan in WP.No.12580 to
12582/2014

For Respondent : Mr.S.Raghunathan for R1
in WP.No.9701/2014
for R1 to R3 in WP.Nos.10591 to
10597, 10614/2014, 12580 to
12582/2014

For R1,R3&R4 in WP.Nos.10639 to
10642/2014 & 11276/2014

: Mr.C.K.Chandrasekar for R2
in WP.Nos.9701/2014, 10639 to
10642/2014 & 11276/2014
and for R4 in 12580 to 12582/2014 &
10591 to 10597/2014 & 10614/2014

for Sole Respondent in WP.Nos.11725
to 11727/2014 and 12362/2014

COMMON ORDER

All these writ petitioners are challenging the show
cause notice issued by the Bar Council of Tamil Nadu and
Puducherry questioning their enrollment on the basis of their
age at the time of enrollment.



2.This matter is no longer res integra. The Hon'ble Supreme Court in its judgment in INDIAN COUNCIL OF LEGAL AID AND ADVICE AND OTHERS VS. BAR COUNCIL OF INDIA AND ANOTHER [1995 (1) SCC 732] has observed that fixing a bar at the age of 45 years is violative of Article 14 of the Constitution of India, discriminatory, unreasonable and arbitrary. Paragraph 13 of the said judgment reads as under:

"13. The next question is, is the rule reasonable or arbitrary and unreasonable? The rationale for the rule, as stated earlier, is to maintain the dignity and purity of the profession by keeping out those who retire from various Government, quasi-Government and other institutions since they on being enrolled as advocates use their past contacts to canvass for cases and thereby bring the profession into disrepute and also pollute the minds of young fresh entrants to the profession. Thus the object of the rule is clearly to shut the doors of the profession for those who seek entry into the profession after completing the age of 45 years. In the first place, there is no reliable statistical or other material placed on record in support of the inference that ex-government or quasi-government servants or the like indulge in undesirable activity of the type mentioned after entering the profession. Secondly, the rule does not debar only such persons from entry into the profession but those who have completed 45 years of age on the date of seeking enrolment. Thirdly, those who were enrolled as advocates while they were young and had later taken up some job in any Government or quasi-Government or similar institutions and had kept the sanad in abeyance are not debarred from reviving their sanads even after they have completed 45 years of age. There may be a large number of persons who initially entered the profession but later took up jobs or entered any other gainful occupation who revert to practise at a later date even after they have crossed the age of 45 years and under the impugned rule they are not debarred from practising. Therefore, in the first place there is no dependable material in support of the rationale on which the rule is founded and secondly the rule is discriminatory as it debars one group of persons who have crossed the age of 45 years from enrolment while



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allowing another group to revive and continue practise even after crossing the age of 45 years. The rule, in our view, therefore, is clearly discriminatory. Thirdly, it is unreasonable and arbitrary as the choice of the age of 45 years is made keeping only a certain group in mind ignoring the vast majority of other persons who were in the service of Government or quasi-Government or similar institutions at any point of time. Thus, in our view the impugned rule violates the principle of equality enshrined in Article 14 of the Constitution."

3.Later, a Division Bench of this Court in M.RADHAKRISHNAN VS. THE SECRETARY, THE BAR COUNCIL OF INDIA AND ANOTHER [2006 (5) CTC 705] has also held that the object of the rule is only to curtail group of persons from entering into profession and to satisfy other group of person who also stand on the same footing. Parliament fixed no upper age limit for pursuing law course in Advocates Act. The State Bar Council cannot widen / expand its rule-making power so extensively to discriminate or classify between two similarly placed persons based on utter arbitrariness. Therefore, from the above judgments, it is clear that the fixation of upper age limit in enrolling in the Bar is construed to be unreasonable.

4.However, Mr.C.K.Chandrasekar, learned counsel appearing for the Bar Council of Tamil Nadu and Puducherry and Mr.S.R.Raghunathan, learned counsel appearing for the Bar Council of India would submit that the matter is pending before the Hon'ble Supreme Court in RISHABH DUGGAL AND ANOTHER VS. THE BAR COUNCIL OF INDIA AND ANOTHER in WRIT PETITION (CIVIL) NO.1023 OF 2016 and the Hon'ble Supreme Court has stayed the Notification issued by the Bar Council of India in BCI:D:1519 (LE:Cir.-6) dated 17.09.2016, on 03.03.2017.

5.Considering the facts and circumstances of the case, all these writ petitions are disposed of subject to result of the Writ Petition (Civil) No.1023 of 2016 pending before the Hon'ble Supreme Court. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar



TK

To

WEB COPY

1. The Secretary
Bar Council of India
21, Rouse Avenue Institutional Area
Near Bal Bhawan, New Delhi - 110 002.
2. The Secretary
Bar Council of Tamil Nadu and Puducherry
High Court Campus
Chennai - 600 104.
3. The Secretary to Govt of India,
Human Resource & Development,
Union of India, New Delhi.
4. The Secretary,
Ministry of Law and Justice,
Union of India, New Delhi.
5. The Chairman,
Bar Council of India,
New Delhi.

+1 cc to M/s.Bank Associates,Advocate Sr.No.11403

WP NOS.9701, 10591, 10592, 10593, 10594,
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NSK 30/03/2022