



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.04.2022

Coram:

The Hon'ble Mr.Justice R.MAHADEVAN
and
The Hon'ble Mr.Justice J.SATHYA NARAYANA PRASAD

W.P.Nos.11686 to 11688 of 2014
and M.P.Nos.1 to 1 of 2014
in W.P.Nos.11686 to 11688 of 2014

B.Karthikeya Prabhu	...Petitioner in W.P.No.11686 of 2014
B.Bhagavathi	...Petitioner in W.P.No.11687 of 2014
M.S.Rajeswari	...Petitioner in W.P.No.11688 of 2014

Versus

- 1.Bar Council of India,
Represented by its Secretary,
No.21, Rouse Avenue Institutional Area,
New Delhi - 110 002.
...1st respondent in all W.Ps
- 2.The Bar Council of Tamil Nadu and Puducherry
Represented by its Secretary,
High Court Buildings,
Chennai - 600 104.
...2nd respondent in all W.Ps
- 3.Sri Venkateswara University,
(Approved & Affiliated By the Bar Council of India)
Represented by Registrar,
Prakasam Nagar Colony,
Tirupathi, Andhra Pradesh - 517 502.
...3rd respondent in W.P.Nos.11686 & 11687 of 2014
- 4.S.B.R.T.M.Law College,
(Affiliated to Sri Venkateswara University Tirupathi.
Recognised by the Bar Council of India - New Delhi)
Represented by its Principal,
Chemmumiapet,
Kadapa, Andhra Pradesh.
...4th respondent in W.P.Nos.11686 & 11687 of 2014



5.The Karnataka State Law University,
(Approved & Affiliated by the Bar Council of India)
Represented by the Registrar,
Navanagar,
Hubli - 580 020
Karnataka.

...3rd respondent in W.P.No.11688 of 2014

6.Sri Kengal Hanumathaiya Law College
(Affiliated to Karnataka Law University, Hubli
Recognised by the Bar Council of India - New Delhi)
Represented by its Principal,
Marikuppam,
K.G.F.Karnataka State

...4th respondent in W.P.No.11688 of 2014

Prayer in W.P.Nos.11686 & 11687 of 2014:

Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records relating to the notice issued by the second respondent dated 17.03.2014 in R.O.C.Nos.1165 & 1085 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 W.P.No.11688 of 2014:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records relating to the notice issued by the second respondent dated 06.03.2014 in R.O.C.No.926 of 2014 and quash the same and direct the 1st and 2nd respondents to issue permanent certificate without any endorsement on the certificate.

For Petitioner
in all W.Ps : Mr.P.Krishnan

For Respondent - 1
in all W.Ps : Mr.S.R.Raghunathan

For Respondent - 2
in all W.Ps : Mr.C.K.Chandrasekar

For Respondents - 3 & 4
in all W.Ps : No Appearance



COMMON ORDER

(Common Order of the Court was delivered by R.MAHADEVAN, J.)

Heard all the parties and perused the materials available on record.

2. This Court by order dated 03.02.2014, in W.P(MD)No.10315 of 2013, directed the Bar Council of Tamil Nadu and Puducherry to take necessary action for removal of advocates, who have completed the law course in violation of clause 28 Schedule III Rule 11 of Rules of Legal Education, 2008 of Bar Council of India. Placing reliance on the same, the respondent / Bar Council of Tamil Nadu and Puducherry issued show cause notices, calling upon the petitioners to explain as to why their names should not be removed from the rolls of the Bar Council of Tamil Nadu and Puducherry, for the alleged violation referring to their age. Challenging the said notices, the petitioners have come up with these writ petitions to quash the same. A consequential direction has also been sought to the respondent authorities to issue permanent certificate of enrollment without any endorsement.

3. The issue involved herein is no longer res integra. The Hon'ble Supreme Court in the case of Indian Council of Legal Aid and Advice and others v. Bar Council of India and another reported in 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 is usefully extracted below:

"13. The next question 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 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



Council of India submitted that the subject matter in issue is pending before the Hon'ble Supreme Court in the case of Rishabh Duggal and another v. the Bar Council of India and another in WP(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.

7.In view of the above, 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

// TRUE COPY //

SUB ASSISTANT REGISTRAR

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To

- 1.The Secretary,
Bar Council of India,
No.21, Rouse Avenue Institutional Area,
New Delhi - 110 002.
- 2.The Secretary,
Bar Council of Tamil Nadu and Puducherry
High Court Buildings,
Chennai - 600 104.

+lcc to Mr.P.Krishnan, Advocate Sr.23603

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