



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2022

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P. No. 19584 of 2021

G.Vijayakumar

..Petitioner

Versus

1. The Secretary
Home Department
Secretariat
Chennai - 600 009

2. The Secretary
Law Department
Secretariat
Chennai - 600 009

3. The Secretary
The Bar Council of India
No.21, Rouse Avenue Institutional Area
Near Bal Bhawan, New Delhi
Delhi - 110 002

4. The Secretary
The Bar Council of Tamilnadu
Chennai - 600 104

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to consider the future Additional Public Prosecutor or any other LLB degree eligible post for the petitioner.

For Petitioner : Mr.A.Ramesh Manikandan

For Respondents : Mr.Shahjahan

Special Government Pleader for R1 & R2

Mr.S.R.Raghunathan for R3

Mr. C.K. Chandrasekar for R4



ORDER

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

WEB COPY The relief sought in this writ petition is to issue a Writ of Mandamus directing the 1st respondent to consider the candidature of the petitioner for the post of Additional Public Prosecutor or any other LLB degree post, in future.

2. According to the petitioner, he got enrolled as an advocate bearing Enrolment No.263/2012 and has been practising as such for more than 9 years. While so, the second respondent through resolution No.184 of 2017 dated 09.11.2017 suspended the petitioner along with others from practice and issued a show cause notice in R.O.C. No.7167 dated 13.12.2017 stating that he did not satisfy the terms and conditions as enumerated under Rule 5 of the Rules of Legal Education, 2008 framed by the Bar Council of India, in respect of the degree said to have been completed by him, by way of 3 years regular course with regular 10th and 12th standards before joining the degree course. In such circumstances, the petitioner applied for the post of Additional Public Prosecutor, Additional District Court at Vellore, but the said application was rejected by the first respondent stating that he acquired the degree through open / distance education. Therefore, the petitioner is before this court with this writ petition for the aforesaid relief.

3. The learned counsel for the petitioner submitted that as per the UGC norms, the petitioner finished his BA degree and thereafter, completed the law course in the year 2011; he was also permitted to enrol as an Advocate in the year 2012 with the Bar Council of Tamil Nadu; and therefore, he is eligible for appointment to the post of Additional Public Prosecutor. However, his application was rejected, but, no order copy was served on him, till date. Hence, this writ petition.

4. On the other hand, it is submitted on the side of the respondents that the petitioner's application seeking appointment to the post of Additional Public Prosecutor was already rejected and hence, nothing survives for adjudication in this writ petition.

5. In reply, the learned counsel for the petitioner sought liberty to the petitioner to approach the authority concerned for appropriate relief in the manner known to law.



6. Granting such liberty to the petitioner, this writ petition stands disposed of. No costs.

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s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

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+1 CC to Mr. A. Ramesh Manikandan, Advocate sr 22152
+1 CC to The Government Pleader sr 22733.

WP No. 19584 of 2021

EV(CO)
SP(28/04/2022)