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WP No. 31716 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2023

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THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

W.P.No.31716 of 2023

B.Shanmuga Priya

.. Petitioner

Versus

1. Union of India, Bar Council of India,
Represented by its Secretary,
21, Rouse Avenue Institutional Area,
Near Balbhawan, New Delhi - 110 002.
2. The Secretary,
Bar Council of Tamil Nadu and Puducherry,
Bar Council Building,
High Court Campus,
Chennai - 600 104.
3. The Chairperson,
Enrollment Committee,
Bar Council of TamilNadu and Puducherry,
Bar Council Building,
High Court Campus, Chennai - 600 104.
4. The Registrar,
The Tamilnadu Dr.Ambedkar Law University,
Chennai - 600 028.

.. Respondents



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Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 2 and 3 to forthwith allow the petitioner to enroll in the Bar Council of Tamilnadu and Puducherry as an Advocate in any future enrolment to be scheduled thereof, with reference to the petitioner's enrolment and Acknowledgement vide identification No.PR1225778 issued on 11.10.2022 by the second respondent within the time stipulated by this Court.

For Petitioner : Mr.P.Sriram

For R2 : Mr.C.K.Chandrasekaran

ORDER

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

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 2 and 3 to enroll the petitioner as an advocate on the Roll of the Bar Council of Tamilnadu and Puducherry, by considering his application vide No.PR1225778 made on 11.10.2022, within a time frame to be stipulated by this Court.

2. According to the petitioner, she has completed 3 years LLB course in the year 2022 and thereafter, made application on 11.10.2022 before the Bar Council of Tamil Nadu and Puducherry, seeking to enroll her as an Advocate,



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enclosing all the relevant certificates and undertaking affidavits. However, her name was not published in the list of candidates for enrolment. On enquiry, she came to know that her application was withheld by the respondents 2 and 3, on the premise that she had studied in 10+3+2+3 pattern and not in 10+2+3+3 pattern. Feeling aggrieved, the petitioner is before this court with the present writ petition.

3. The learned counsel for the petitioner submitted that the petitioner had completed 10th standard in the year 2003. Subsequently, she had joined 3 year Diploma course in Electronics and Communication Engineering in Thanthai Periyar Government Polytechnic College and completed the same in the year 2017. Thereafter, she had joined the Bachelor of Computer Applications in Dhanabagiyam Krishnaswamy College, Thiruvalluvar University, as lateral entry in the second year of the said course. Later on, she joined 3 year Law Course in Government law College, Vellore and completed the same in October 2022. Upon receipt of the degree, the petitioner made application on 11.10.2022 seeking enrolment as an Advocate, which was not considered till date. Therefore, the learned counsel prayed for a direction to the respondent authorities to pass appropriate orders on the said application, within a time frame to be stipulated by this court.



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4. On the other hand, the learned counsel appearing for the second respondent drew the attention of this court to the reference dated 25.04.2023 made by the Enrolment Committee of the Bar Council of TamilNadu and Puducherry, the third respondent herein, wherein, it is *inter alia* stated as follows:

" 5) Therefore, in view of the above narrated circumstances, the Enrolment Committee proposed to reject the application for enrolment submitted by the applicant namely Ms.B.Shanmuga Priya and refer the same to the Bar Council of India under section 26(2) of the Advocates Act, 1961 with the request to place the same before the Legal Education Committee for taking uniform decision for enrolling the law graduates who have undergone 2 years UG in lateral entry like the applicant throughout the country which has sufficient powers as per the provisions envisaged under the Advocates Act, 1961 and the Bar Council of India Rules.

The above decision is taken in view of maintaining the minimum standards and the quality of the person entering the legal profession can only be curtailed primarily lying with the institution which is imparting legal education and the secondarily with the enrolment into the Bar Council.

The office is hereby directed to send the same immediately to the Bar Council of India for its opinion along with the particulars. "

Thus, according to the learned counsel, upon receipt of the opinion of the Bar Council of India, the application of the petitioner would be considered on merits and in accordance with law.

5. In view of the above, without expressing any opinion on the claim made by the petitioner, there shall be a direction to the respondent authorities to consider the petitioner's application bearing No.PR1225778 dated 11.10.2022 and pass appropriate orders, on merits and in accordance with law,

within a period of six weeks from the date of receipt of a copy of this order.



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No costs.

(R.M.D., J.) (M.S.Q., J.)
06.11.2023

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Internet : Yes / No

Index : Yes/No

To

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