



W.P.(MD)No.1241 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 09.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.1241 of 2023

and

W.M.P.(MD)No.1150 of 2023

S.Jayakumar

... Petitioner

Vs.

1.The Bar Council of Tamil Nadu and Puducherry,
Rep. by its Secretary,
Madras High Court Campus,
Chennai-600104.

2.The Chairperson,
Enrolment Committee,
The Bar Council of Tamil Nadu and Puducherry,
Madras High Court Campus,
Chennai-600 104.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to enroll the petitioner as an Advocate on the roll of Bar Council of Tamil Nadu and Puducherry and by considering the petitioner's representation dated 12.11.2022 within the period that may be stipulated by this Court.



WEB COPY



W.P.(MD)No.1241 of 2023

For Petitioner : Mr.H.Mohammed Imran
For M/s.Ajmal Associates
For Respondents : Mr.R.Suresh Kumar,
Standing Counsel

ORDER

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

The petitioner seeks a Writ of Mandamus directing the respondents viz.,the Bar Council of Tamil Nadu and Pudhucherry to enroll him as an Advocate on its roll.

2.The petitioner, who had completed his 5 years B.A., L.L.B.,(Hons) course between the years 2015 and 2020 and applied for enrollment with the Bar Council of Tamil Nadu and Pudhucherry, on 21.01.2021. A list was also published stating that his application was approved and police verification was completed, on 21.05.2021. However, since the petitioner did not hear from the Bar Council of Tamil Nadu and Pudhucherry on the status of his enrolment, he sent a representation, dated 12.11.2022. There was no reply. Hence, the petitioner has come up before this Court seeking a writ as aforesaid.



W.P.(MD)No.1241 of 2023

3.Mr.R.Sureshkumar, learned counsel appearing for the Bar Council of Tamil Nadu and Pudhucherry would submit that one Arunachalam had lodged a protest letter with the Bar Council stating that an FIR has been filed against the father and mother of the petitioner for cheating people by promising jobs for money. He would also add that it is also claimed that an FIR has also been registered against the petitioner also. But, no such FIR has been produced.

4.Section 24(A) of the Advocates Act, enumerates the disqualification for enrolment. The said Section reads as follows:

“24A. Disqualification for enrolment.—

- (1).No person shall be admitted as an advocate on a State roll—*
(a)if he is convicted of an offence involving moral turpitude;
(b)if he is convicted of an offence under the provisions of the Untouchability (Offences) Act, 1955 (22 of 1955);
2(if he is dismissed or removed from employment or office under the State on any charge involving moral turpitude.

Explanation.—In this clause, the expression “State” shall have the meaning assigned to it under Article 12 of the Constitution:

Provided that the disqualification for enrollment as aforesaid shall cease to have effect after a period of two years



W.P.(MD)No.1241 of 2023

has elapsed since his release or dismissal or, as the case may be, removal.

(2) Nothing contained in sub-section (1) shall apply to a person having been found guilty is dealt with under the provisions of the Probation of Offenders Act, 1958 (20 of 1958).

5.A reading of the said Section shows that pendency of an FIR is not a disqualification for enrollment. Even assuming that such an FIR is pending, only the persons, who were convicted of an offence involving moral turpitude or untouchability offences are disqualified from being enrolled as an Advocates.

6.We, therefore, see no reason for the Bar Council of Tamil Nadu and Pudhucherry to withhold the enrollment of the petitioner. Hence, this writ petition is allowed and there will be a direction to the Bar Council of Tamil Nadu and Pudhucherry to enroll the petitioner as an Advocate on its rolls, within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M., J.) & (L.V.G., J.)
09.03.2023



WEB COPY



W.P.(MD)No.1241 of 2023

To

- 1.The Bar Council of Tamil Nadu and Puducherry,
Rep. by its Secretary,
Madras High Court Campus,
Chennai-600104.
- 2.The Chairperson,
Enrolment Committee,
The Bar Council of Tamil Nadu and Puducherry,
Madras High Court Campus,
Chennai-600 104.



WEB COPY



W.P.(MD)No.1241 of 2023

R.SUBRAMANIAN, J.

AND

L.VICTORIA GOWRI, J.

NS

W.P.(MD)No.1241 of 2023

09.03.2023