



WEB COPY

W.P.No.471 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.471 of 2024
and
W.M.P.No.491 of 2024

Mrs.Aarti

... Petitioner

Vs.

1.The Bar Council of India,
Represented by its Secretary,
Rouse Avenue Institutional Area,
Near Bal Bhavan,
New Delhi – 110 002.

2.The Bar Council of Tamil Nadu and Puducherry,
Represented by its Secretary,
High Court Buildings,
Chennai – 600 104.

3.M.Bhuvaneswari

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call further records relating to the first respondent's order dated 23.04.2019 Removal Proceedings No.7 of 2018 in T.N.E.C.R. No.19 of 2017 and quash the same and may be



W.P.No.471 of 2024

permanently remove the third respondent from the Bar council enrolment No.1307 of 2014 as against the Section 5 of Rule of Legal Education Rule 2008 w.e.f. 14.09.2008.

For Petitioner	: Mr.P.Munusami
For R1	: Mr.S.R.Raghunathan
For R2	: Mr.M.R.Jothimanian
For R3	: Mr.S.Chandraskharan

ORDER

[Order of the Court was made by **S.M.SUBRAMANIAM, J.**]

The writ on hand has been instituted challenging the validity of the removal proceedings dated 23.04.2019 passed by the Bar Council of India.

2. The Bar Council of India passed final orders setting aside the decision taken by the Bar Council of Tamil Nadu and Puducherry. Since the subject proceedings were dealt with by the Disciplinary Committee, the aggrieved person has to approach the Hon'ble Supreme Court of India under Section 38 of the Advocates' Act, 1961. An appeal expressly contemplated under Section 38 to the Hon'ble Supreme Court of India. Section 38 is an



W.P.No.471 of 2024

unique provision in the Advocates' Act, 1961, and no such provision has been contemplated in any other enactments. That being the legal position, the petitioner is at liberty to file an appeal under Section 38 of the Advocates' Act, 1961 in the manner known to law.

3. With this liberty, this Writ Petition stand disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[S.M.S., J.] [C.K., J.]
25.06.2024

Jeni
Index : Yes
Neutral Citation : Yes
Speaking order / Non-Speaking order

To

1.The Secretary,
The Bar Council of India,
Rouse Avenue Institutional Area,
Near Bal Bhavan,
New Delhi – 110 002.

2.The Secretary,
The Bar Council of Tamil Nadu and Puducherry,
High Court Buildings,
Chennai – 600 104.



WEB COPY



W.P.No.471 of 2024

S.M.SUBRAMANIAM, J.
and
C.KUMARAPPAN, J.

Jeni

W.P.No.471 of 2024

25.06.2024