



WEB COPY

W.P.No.3133 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.3133 of 2018

and

W.M.P.Nos.3849 & 4709 of 2018

A.Gnanasekar

... Petitioner

Vs.

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

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

3.G.Paramachandran

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the proceedings of the 2nd respondent dated 25.07.2016 in T.N.E.C.R.No.4 of 2015 communicated to the 1st respondent on 30.11.2016 quash the same.



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For Petitioner	: Mr.C.Emalias, Senior Counsel For Mr.M.Devaraj
For R1	: Mr.S.R.Raghunathan
For R2	: Mr.C.K.Chandrasekhar
For R3	: No Appearance

ORDER

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

The order of the Enrolment Committee of the Bar Council of Tamil Nadu and Puducherry dated 25.07.2016 in the T.N.E.C.R.No.4 of 2015 is under challenge in the present writ petition.

2. Based on the complaint, action was initiated by the Bar Council of Tamil Nadu and Puducherry to test the validity of the enrolment of the writ petitioner in the “State Rolls”. The allegation against the writ petitioner was that he had undergone the regular law course, while serving as a Commerce Teacher in a school, which is a disqualification for enrolment.



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3. The learned counsel for the petitioner would oppose by stating that he was taking classes as part-time teacher in the school. Therefore, he cannot be disqualified for enrolment.

4. Mr.C.K.Chandrasekar, learned counsel appearing on behalf of the Bar Council of Tamil Nadu would submit that the application has already been sent to the Bar council of India for disposal under Section 26 of the Advocates' Act. The application referred by the Bar council of Tamil Nadu is pending for consideration before the Bar council of India.

5. At this juncture, we are not inclined to adjudicate the disputed facts between the parties. Such disputed facts are to be adjudicated with reference to the documents and evidence available on record. Thus, the petitioner is at liberty to submit all his documents along with the statement of defence, if any to the Bar Council of India for the purpose of consideration. The petitioner is at liberty to raise all the grounds including all the legal grounds. It is for the Bar council of India to adjudicate the issues and decide the matter on merits and in accordance with law. Since the matter is pending for along years, the Bar Council of India / 1st respondent is requested to expedite the hearing and pass final orders as expeditiously as possible.



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WEB COPY 6. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

[S.M.S., J.] [C.K., J.]
18.06.2024

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

To

- 1.The Secretary,
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and
C.KUMARAPPAN, J.

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