



WEB COPY



W.P.No.5938 of 2024

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.5938 of 2024

V.Natarajan

... Petitioner

Vs.

1. The Bar Council Of India,
No.21, Rouse Avenue Institution Avenue Road,
New Bal Bhawan, Rouse Avenue,
Mata Sundari Railway Colony,
Mandi House, New Delhi-110 002.

2. The Bar Council Of Tamil Nadu And Puducherry,
N.S.C. Bose Road, High Court Campus,
Chennai-104.

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari Mandamus, to call for the records on the file of the 2nd Respondent vide its proceedings in R.O.C. No.1515 of 2023 and quash the Impugned Order dated 09-08-2023 as illegal and direct the 2nd Respondent to Enrol the Petitioner as an Advocate in view of the Petitioner's Representations dated 08-01-2024 and 10.02.2024.



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For Petitioner : Mr.J.Ashok
For Respondents : Mr.C.K.Chandrasekar (for R2);
: Mr.S.R.Raghunathan (for R1).

ORDER

(Order of the Court was delivered by S.M.Subramaniam J.)

The writ of mandamus has been instituted to quash the proceedings of the Enrolment Committee dated 09.08.2023.

2. In the impugned proceedings, the Enrolment Committee referred the matter to the Bar Council of India under Section 26(2) of the Advocate Act 1961. The application submitted by the petitioner was scrutinised and the Bar Council of Tamil Nadu found that the petitioner has not undergone the regular law course as contemplated under the Bar Council of India rules. Accordingly, the Enrolment Committee referred the matter under Section 26 to the Bar Council of India for passing appropriate orders.

3. Section 26(2) of the Advocates Act contemplates that "Where the Enrolment Committee of a State Bar Council proposes to refuse any such application, it shall refer the application for opinion to the Bar Council of



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India and every such reference shall be accompanied by a statement of the grounds in support of the refusal of the application."

4. Sub-section (3) to Section 26 of the Advocates Act enumerates that "the Enrolment Committee of a State Bar Council shall dispose of any application referred to the Bar Council of India under Sub-section (2) in conformity with the opinion of the Bar Council of India."

5. The above two provisions would amply indicate that the Bar Council of Tamil Nadu shall refer the matter to the Bar Council of India for its opinion regarding the enrolment of a person based on application. On receipt of the opinion from the Bar Council of India, the State Bar Council shall pass orders under Section 26(3) of the Act. Therefore, it is mandatory to receive the opinion of the Bar Council of India in the matters relating to enrolments.

6. In the present case, the application submitted by the petitioner was scrutinised and the Bar Council of Tamil Nadu and Puducherry found that the petitioner is not eligible. Therefore, the Enrolment Committee referred the matter of the Bar Council of India under Section 26(2) of the Act. Now the petitioner has to await for the opinion of the Bar Council of India under



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Section 26(3) of the Act and based on the opinion, the Bar Council of Tamil Nadu and Puducherry has to pass an order and communicate the same to the petitioner. If at all, the petitioner is aggrieved from and out of the said order, he is at liberty to redress his remedy in the manner contemplated under the Act.

7. With these clarifications, the writ petition stands dismissed. No costs.

(S.M.S.J.,)

(C.K.J.,)

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Index : Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)



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