



WP.No.9826 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2024

CORAM

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

WP.No.9826 of 2024

Mr.K.N.Prakash Narayanan

... Petitioner

Vs.

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

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

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of Mandamus, directing the respondents to enrol the petitioner as an Advocate on the roll of the Bar Council of Tamil Nadu and Puducherry vide Enrolment Application No.PR1216454 dated 12.10.2021 or pass such other or further order.



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For Petitioner : Mr.K.Mahalingam
For Respondents : Mr.C.K.Chandrasekaran
Standing Counsel for R1 & R2

ORDER

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

The writ of Mandamus has been instituted to direct the respondents to enrol the petitioner as an Advocate on the roll of the Bar Council of Tamil Nadu and Puducherry vide Enrollment Application No.PR1216454 dated 12.10.2021.

2. The grievances of the writ petitioner is that an application was submitted to enroll his name in the Roll of the Bar Council of Tamil Nadu and Puducherry. The Bar Council of Tamil Nadu has not taken a decision nor pass final orders. The representation submitted in this regard was also not taken into consideration. Thus, the writ petition came to be instituted.

3. The learned counsel for the petitioner would submit that the petitioner is eligible for enrollment. Mr.C.K.Chandrasekar, learned counsel appearing on behalf of the Bar Council of Tamil Nadu would submit that the



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petitioner is not eligible in view of the fact that he had not attended the classes and obtained Law degree, in violation of Rules. Thus, the Enrollment Committee has not considered his case. In reply, the learned counsel for the petitioner would submit that the petitioner produced the attendance certificate. However, such disputed facts cannot be adjudicated by the High Court in a writ proceeding. All such disputed facts are to be adjudicated before the Enrollment Committee by following the due process. In this context, the Advocates Act and Rules contemplates that the Enrollment Committee is empowered to consider the application submitted by the persons seeking enrollment. In the event of taking a decision not to enroll the name, then the application is referred to Bar Council of India seeking opinion. On receipt of opinion from the Bar Council of India, appropriate final order is to be passed by the Bar Council of Tamil Nadu and Puducherry and communicate the same to the applicant concerned.

4. It is needless to state that the Bar Council of Tamil Nadu has to follow the due process as contemplated under the Advocates Act and Rules. On receipt of applications, they are bound to scrutinise the same within a reasonable period of time and if they found that the applicant is not eligible,



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then immediately refer the matter to the Bar Council of India, who in turn has to offer the final opinion on the eligibility of the applicant to enroll as an Advocate. On receipt of the opinion, the final order is to be passed. Keeping the applications pending for an indefinite period cannot be appreciated by this Court. The Statutory Authorities are obligated to dispose of such applications within a reasonable period of time. Thus, the Bar Council of Tamil Nadu and Puducherry is directed to ensure that the applications submitted seeking enrollment are scrutinised within a reasonable period of time. The said exercise is to be completed by the Bar Council as expeditiously as possible.

5. With the above observations, this writ petition stands disposed of.

No costs.

[S.M.S., J.] [C.K., J.]
02.07.2024

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Index : Yes

Speaking order : Yes

Neutral Citation : Yes/No



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To

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2. The Chairperson,
Enrolment Committee,
Bar Council of Tamil Nadu and Puducherry,
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