



W.P(MD)No.1266 of 2010

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2024

CORAM :

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P(MD)No.1266 of 2010
and
M.P(MD)No.2 of 2010**

P.Muthulakshmi

... Petitioner

vs.

The Secretary,
Tamil Nadu Bar Council,
Chennai High Court Campus,
Chennai-600 104.

... Respondent

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the respondent vide his proceedings in R.O.C.No. 1223 of 2009 dated 13.11.2009 and quash the same in so far the petitioner is concerned.

For Petitioner : Mr.R.Anand

For Respondent : Mr.Niranjana S.Kumar



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ORDER

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

The challenge in this writ petition is to the order passed by the Bar Council of Tamil Nadu and Puducherry, cancelling the enrollment of the petitioner. The petitioner who had obtained a post graduate degree from the Madurai Kamaraj University, had pursued law at the Government Law College, Tirunelveli. She had completed the bachelor of law course and a provisional certificate was issued by the Tamil Nadu Dr.Ambedkar Law University to the effect that she has completed the law degree in May 2008. Pursuant to the said completion, the petitioner was enrolled as an Advocate on 11.02.2009. Her enrollment was cancelled citing the judgment of the Hon'ble Supreme Court in **Annamalai University, Represented by its Registrar and others vs. Secretary to Government, Information and Tourism Department and others** reported in **2009 (4) SCC 590**. Challenging the cancellation, the petitioner is before this Court.

2. Several writ petitions were filed challenging similar cancellation orders before the Principal Bench and the same were decided in **K.Sakthi Rani vs. Secretary, Bar Council of Tamil Nadu and Puducherry** reported in **(2010) 4 MLJ 849**. A Division Bench after elaborately considering the issue,



concluded as follows:

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"92. On consideration of the above said factual and legal issues, the following conclusions are arrived at:

(i) The Rules of Legal Education, 2008, are framed in accordance with the powers conferred under Sections 7(1)(h)&(i), 24(1)(c)(iii) and (iii a), 49(1)(af), (ag) and (d) of the Advocates Act, 1961 and hence, they are constitutionally valid;

(ii) Explanation to Rule 5 of the Rules of Legal Education, 2008, is neither contrary to Section 24(1) of the Act nor beyond the rule making power conferred on the Bar Council of India under section 49 of the Advocates Act, 1961;

(iii) The Bar Council of India is well within its rights to insist that a person having a decree from the Open University under the Indira Gandhi National Open University Act, 1985, cannot be allowed to join a law course in a Law University recognised by it and the Bar Council of Tamil Nadu and Bar Council of India can also refuse to enroll such a person who joins the law course and completes the same. The judgment of the Honourable Apex Court in Annamalai University represented by Registrar v. Secretary to Government, Information and Tourism Department and others, is binding on the Bar Council of Tamil Nadu and Bar Council of India insofar as the applicability of the University Grants Commission Act and Regulations, but the said judgment cannot be applied to the petitioners who have already obtained the law degree. **The Rules of Legal Education, 2008, cannot be made applicable to the case of the petitioners who had already completed their law course at the time of coming into force of the Rules;**

(iv) The petitioners are not entitled to succeed based upon Article 14 of the Constitution of India;

(v) The petitioners are entitled to succeed on the principles of promissory estoppel, acquiescence, legitimate expectation and equity;



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(vi) The writ petitions filed in W.P.Nos.26257 of 2009, 2963 of 2010, 2964 of 2010, 3079 of 2010, 3080 of 2010, 3081 of 2010, 3082 of 2010, 3083 of 2010, 3084 of 2010, 3150 of 2010, 25914 of 2009, 26289 of 2009, 26373 of 2009, 26632 of 2009, 101 of 2010, 215 of 2010, 26839 of 2009, 1175 of 2010, 26809 of 2009, 26810 of 2009, 26811 of 2009, 26771 of 2009, 26772 of 2009, 27189 of 2009, 27190 of 2009, 26528 of 2009, 27221 of 2009, 26827 of 2009, 26828 of 2009, 26910 of 2009, 26929 of 2009, 26930 of 2009, 27070 of 2009, 27595 of 2009, 27596 of 2009, 27597 of 2009, 27598 of 2009, 25862 of 2009, 27599 of 2009, 2696 of 2010, 2796 of 2010, 2004 of 2010, 923 of 2010, 48 of 2010, 216 of 2010, 217 of 2010, 184 of 2010, 1037 of 2010, 1129 of 2010 and 384 of 2010, challenging the order of cancellation of enrollment by the Bar Council of Tamil Nadu, are allowed and the impugned orders passed are set aside and the Bar Council of Tamil Nadu is directed to issue Enrollment Certificates to the petitioners as in the case of other candidates;

(vii) The writ petitions filed in W.P.Nos.5274 of 2009, 23150 of 2009, 20937 of 2009, 18324 of 2009 and W.P.No.18325 of 2009, challenging the order of the Bar Council of India, are allowed to the extent that the said resolution cannot be made applicable to the writ petitioners in view of the fact that they have already completed the law degree; and

(viii) The writ petitions in W.P.Nos.22614 of 2009, 22615 of 2009, 22616 of 2009, 22617 of 2009, 22618 of 2009, 24711 of 2009, 22669 of 2009, 757 of 2010, 15527 of 2009, 26850 of 2009, 18322 of 2009, 18323 of 2009 and 3348 of 2010,, seeking a Writ of Mandamus, directing the Bar Council of Tamil Nadu, to entertain the pending applications for enrollment, are allowed by directing the Bar Council of Tamil Nadu to enroll the petitioners subject to the other conditions stipulated under Section 24(1) of the Advocates Act, 1961. Consequently, all the connected Miscellaneous Petitions are closed."



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3. As it is evident from the provisional certificate issued by the Tamil Nadu Dr.Amedkar Law University, it is seen that the petitioner has completed her law degree during May 2008. The Legal Education Rules 2008, came into force with effect from 14.09.2008. Therefore, the same cannot be applied to the petitioner and as such her enrolment will be valid.

4. Hence, the Writ Petition stands allowed. The order cancelling the enrollment of the petitioner dated 13.11.2009 stands set aside. The petitioner's enrollment will be considered to have been intact throughout. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M, J.) (L.V.G, J.)
08.08.2024

Index : Yes / No

Neutral Citation : Yes / No

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To

The Secretary,
Tamil Nadu Bar Council,
Chennai High Court Campus,
Chennai-600 104.



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and
L.VICTORIA GOWRI, J.

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ORDER MADE IN
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