

2024.PHHC.166520



**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

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**CWP-24649-2023
Date of Decision: 12.12.2024**

RAKESH

... Petitioner

VERSUS

BAR COUNCIL OF PUNJAB AND HARYANA AND ORS.

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. R.K. Choudhary, Advocate
for the petitioner.

Mr. Aakash Singla, Advocate
for respondent No.1.

Mr. Gagandeep Singh, Advocate
for respondent No.3.

VINOD S. BHARDWAJ, J. (ORAL)

The petitioner has approached this Court being aggrieved of the alleged inaction on the part of respondent No.1- Bar Council of Punjab and Haryana in not considering the application submitted by the petitioner for being enrolled as an Advocate.

Separate Power of Attorneys have been filed on behalf of the respondents No.1 and respondent No.3 respectively, which are taken on record. Registry is directed to tag the same at appropriate place of the paper book.

Learned counsel for respondent No.1 contends that the application submitted by the petitioner has infact been declined by respondent No.1-Bar Council of Punjab and Haryana vide communication bearing Reference

No.1008/2023 dated 17.05.2023, and that the copy of the said communication has also been sent to the petitioner. The operative part of the same reads thus:

“To

*Sh. Rakesh Kumar s/o Sh. Malkhan
R/o Uttam Nagar Part-2
Nr. P.D. Garden, Delhi Road, Rewari.*

Sub: Rejection of your enrolment application.

Sir,

With reference to your application for enrolment as an Advocate has submitted on 10.2.2022 vide diary No.18875. On securitizing of your enrolment application form, it has been found that you have passed graduation from The Global Open University, Nagaland during session 2007 to 2010. A clarification has been made from U.G.C. vide letter dt. 7.3.2022, a reply has been received from the Deputy Secretary of U.G.C. vide letter dt 1.4.2022 has intimated to this Bar Council (copy attached). A relevant portion which is as under:

“The Global Open University, Dimapur, Nagaland which is a private university was provisionally recognized by the erstwhile DEC to offer programme through distance mode for one academic year i.e. 2008-09 only. The year-wise recognition status of universities approved to offer education through distance mode alongwith the approved programmes is already in public domain and can be accessed at UGC.”

Therefore, keeping in view of the letter referred above, you are not eligible for enrolment as an Advocate.

*Sd/-
Addl. Secretary.”*

Counsel for the petitioner further submits that the University Grants Commission has informed respondent No.1 that the respondent No.2 (the University from where the petitioner has got his Degree) was provisionally recognized by the erstwhile DEC to offer programmes through distance mode

for one academic year only and that the course undertaken by respondent No.2-University is no more recognized.

Copy of the abovesaid order has been handed over to the counsel for the petitioner today as well.

In view of the above, counsel for the petitioner does not press the instant petition so as to take recourse to the alternative efficacious remedy available to him in accordance with law to challenge the decision taken by respondent No.1-Bar Council of Punjab and Haryana.

Disposed of as not pressed with the liberty as aforesaid.

DECEMBER 12, 2024.
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No