

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1140 of 2024

In
Civil Writ Jurisdiction Case No.4448 of 2022

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Bihar State Bar Council, through its Officiating Secretary, 2nd Floor, Bar Council Building, Near Patna, namely Prafulla Chandra Dwivedi, Male, aged about 49 Years, Son of Shri Prabhakar Dwivedi, Resident of C-103, R.K. Villa Apartment, Road No. 2, Mahesh Nagar, P.S.-Patliputra, District - Patna.

... .. Appellant/s

Versus

1. Shahnaz Fatma Late S.M Jameel Ahmad Resident of Mohalla-Batau Kuan, Post Office-Begampur, Police Station-Chowk, Patna City, District-Patna.
2. The Disciplinary Committee, Bar Council of India, through its Officiating Secretary, Rouse Avenue Institutional Area, Near Bar Bhawan, New Delhi - 110002.
3. The Bihar School Examination Board (Senior Secondary), through its Secretary, Bihar, Patna.
4. The State of Bihar, through the Director, Secondary Education, Government of Bihar, Patna.
5. The Chairman, Bar Council of India, Rouse Avenue Institutional Area, Near Bar Bhawan, New Delhi - 110002.
6. Prem Kumar Jha, Member Bihar State Bar Council, 2nd Floor, Bar Council Building, Near Patna High Court, P.S. Kotwali, District - Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. P.K. Shahi, Advocate General Mr. Shantanu Kumar, Advocate
For Respondent No.1	:	Ms. Shahnaz Fatma, In-person
For the BSEB	:	Mr. Vipin Kumar, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY



C.A.V. JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 25-04-2025

Heard the learned counsel for the parties.

2. This appeal is against the judgment dated 05.07.2024 passed by a learned Single Judge in C.W.J.C. No. 4448 of 2022.

3. By the impugned judgment, the order of the Disciplinary Committee of the Bar Council of India (respondent no. 2) in Removal Proceeding No. 55 of 2021 dated 18.12.2021 has been set aside and consequently the notifications/orders dated 03.01.2022 and 04.01.2022 issued by the appellant/Bihar State Bar Council have also been set aside.

4. The appellant/Bihar State Bar Council has been directed by the impugned judgment to restore the name of the respondent no. 1 on the rolls of the Advocates, maintained by it and accord to her all the consequent privileges and rights which are available to an Advocate.



5. Respondent no. 1 had passed *Vidya Vinodini* examination from Prayag Mahila Vidyapeeth, Allahabad, on the basis of which, she had taken admission in intermediate course in M.M. Mahila College, Arah, an affiliated unit of Bihar Intermediate Education Council and also a constituent unit of Veer Kunwar University, Arah.

6. At the time of her admission in the intermediate course, M.M. Mahila College, Arah had been accepting the *Vidya Vinodini* certificate for the purpose of admission in intermediate course, as being equivalent to a certificate of matriculation.

7. The respondent no. 1, thereafter, passed her Law from Maharaja College, Veer Kunwar Singh University, Arah and got enrolled as an Advocate with Bihar State Bar Council on 13.04.2007.

8. Before the enrollment, all the requisite supporting documents including the academic certificate/degrees pertaining to her degrees (Matriculation, *Vidya Vinodini*, Intermediate, Graduation



and LLB) were submitted.

9. It appears from the records that a conditional enrollment was granted to respondent no. 1 for the reason that there was a doubt whether *Vidya Vinodini* certificate could be treated as equivalent of matriculation for securing admission by a candidate in intermediate course.

10. The respondent no. 1, however, contended before the Court that though in the enrollment letter, the phrase “till the decision of Bar Council of India” was struck off, meaning thereby that there was no conditional enrollment and that the portion which was struck off was initialled by someone which is not identifiable.

11. The contention of the respondent before the learned Single Judge was that the Bihar State Bar Council members were annoyed by her because she, as a member of the Audit Committee of the Council, had tried to expose the financial irregularities by the Council. As a



retaliatory act, the Bar Council had passed a resolution on 20.06.2021 to reconsider the resolution dated 30.01.2008, whereby respondent no. 1 was enrolled as an Advocate after recognizing the validity of the *Vidya Vinodini* certificate. It was only then that the Removal Proceeding No. 55 of 2021 was initiated against the respondent.

12. In Chapter-V and Rule-5 of the Bar Council of Bihar Rules, 1962, the degrees and certificates required for enrollment as an Advocate has been provided. The Rules ensure a multi-stage mechanism to prevent any unqualified or ineligible applicant to be admitted to the rolls of Advocates.

13. The Disciplinary Committee of the Bar Council of India heavily relied upon the judgment of this Court in ***L.P.A. 455 of 2018 (Sangita Devi vs. State of Bihar & Ors.)*** for doubting the eligibility of respondent no. 1 to be enrolled as an Advocate, for the reason of *Vidya Vinodini* certificate from Prayag Mahila



Vidyapeeth, Uttar Pradesh to be a non-recognized certificate.

14. According to the judgment, referred to above, *Vidya Vinodini* certificate ceased to have recognition in the State of Bihar since 1987. However, the fact of the matter remains that such non-recognition of *Vidya Vinodini* certificate as an equivalent to matriculation certificate was by the decision of Principal Secretary of the Human Resources Department, Govt. of Bihar and that also in connection with disputes relating to appointment of *Anganbari Sevikas*.

15. The Disciplinary Committee found that in that background, striking off the relevant portion of the conditional enrollment of respondent no. 1 tantamounted to interpolation in the records, which was a serious matter, and therefore, no decision for less than cancellation of the license could have been passed.

16. The learned Single Judge, while evaluating the merits of the case of the respondent,



referred to the decision of the Supreme Court in ***Shri Krishnan vs. The Kurukshetra University ; AIR 1976 SC 376***, in which it was held that before issuing admission card to a student to appear in the examination, it is the duty of the University authorities to scrutinize the papers. Equally important would be the duty of the Head of the department before submitting the form to the University to ensure compliance with all requirements. If no care was taken to scrutinize the papers, the candidature of the student for appearing in the examination could not be cancelled subsequently on the ground of non-fulfillment of the requirements.

17. The learned Single Judge also took note of the fact that in the show-cause notice issued to the respondent by the Bar Council, she was only asked to produce the original academic/educational certificates.

18. The other aspect which weighed with the learned Single Judge was that the enrollment order was in the *custodia legis* of the State Bar Council and therefore



the striking off of the conditional clause by way of interpolation, could not have been attributed to respondent no. 1, even though she was the beneficiary of the said interpolation.

19. In ***Sanatan Gauda vs. Berhampur University and Ors.; 1990 AIR 1075***, the Supreme Court did not permit the University to raise objection to the eligibility of the student at the last stage, for sitting in the examination.

20. Similar decision was taken by the Jharkhand High Court in ***State of Jharkhand and Ors. vs. Razia Tarannum and Anr.; 2023 SCC OnLine Jhar 2843***. In the afore-noted case also, there was reference to the validity and recognition of *Vidya Vinodini* certificate as being equivalent to matriculation.

21. With the State Bar Council having permitted respondent no. 1 to practice for so many years, such issue could not have been stoked and that also when, as a member of the Bar Council (respondent no. 1)



had tried to expose certain illegal activities.

22. The action of the Bar Council, therefore, of initiating a disciplinary proceeding for her removal from the rolls of Advocate, does not appear to be free from bias.

23. After the *Vidya Vinodini* certificate obtained by respondent no. 1, she had passed her intermediate examination; graduation and thereafter Law and at no stage was her basic degree of *Vidya Vinodini* ever put in question.

24. The validity of the *Vidya Vinodini* certificate, therefore, could not have been questioned by the Bar Council.

25. The presumption of the Disciplinary Committee of the Bar Council that the interpolation in the records is attributable to respondent no. 1 for the reason that she is the beneficiary of the same, is neither permissible nor warranted.

26. Taking into account the afore-noted



facts, the learned Single Judge did not agree with the decision of the Disciplinary Committee of the Bar Council of India in striking off the name of respondent no. 1 from the rolls of Advocates.

27. We do not find any perversity in the judgment passed by the learned Single Judge in C.W.J.C. No. 4448 of 2022 dated 05.07.2024.

28. The appeal has no merits and is thus dismissed.

29. The licence of the respondent no. 1, to practice law, be restored forthwith.

30. Interlocutory application/s, if any, also stand disposed off accordingly.

(Ashutosh Kumar, ACJ)

Partha Sarthy, J: I agree.

(Partha Sarthy, J)

Sauravkrsinha/Sunil-

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