

28.11.2025
Sl. No.5
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 27139 of 2025

Sayantana Adhya
Vs.
Union of India & Ors.

Mr. Sayantan Adhyapetitioner-in-person.

Mr. Avinash Kankani
....for the Bar Council of India.

Mr. Siddhartha Bhattacharyya,
Mr. Arijit Bakshi
.....for Union of India.

The petitioner claims to be a fully visually disabled person (100% blindness). The petitioner is holding a disability certificate issued under the Rights of Persons with Disabilities Act, 2016 (hereinafter referred to as “the said Act of 2016”). The disability certificate is annexed at page 13 of the writ petition. The said certificate is issued by Dr. B. N. Bose S. Hospital, Barrackpore, 24-Parganas (North). The petitioner has obtained LL.B degree from Dr. Ram Manohar Lohiya National Law University, Lucknow. The provisional certificate issued by the said university is at page 25 of the writ petition. The petitioner had applied for being enrolled as an advocate in the Karnataka State Bar Council. The petitioner was issued provisional certificate of enrolment by the said Bar Council on 22nd November, 2024. The petitioner has to pass the All India Bar

Examination – XX (in short, AIBE-XX) to be entitled to continue to be a member of the Karnataka State Bar Council. The petitioner had applied to appear in AIBE-XX Examination which is scheduled to be held on 30th November, 2025. The petitioner is a permanent resident of the State of West Bengal and has been issued the admit card of the AIBE-XX examination by the Bar Council of India permitting the petitioner to appear therein from a centre at Kolkata.

The petitioner says that since he is visually impaired (Divyangjan) and as such, can appear in the said examination only with the help of a scribe. The guideline of All India Bar Council provides for taking assistance of a scribe by a candidate who is visually impaired. Pursuant to the petitioner's application, the petitioner was informed by an electronic mail dated 1st November, 2025 to be able to take assistance of the scribe as per the prescribed guideline framed by the petitioner. The Ministry of Social Justice and Empowerment dated 10th August, 2022. Under the said guidelines, the scribe was to be from a non-humanity (non-civics, non-modern government, non-political science) and non-legal background from Class 12 onwards. The petitioner has been able to arrange for a scribe as the said guidelines of 2022. However, a revised guideline has

been published by the Ministry of Social Justice and Empowerment on 1st September, 2025, which provides for the scribe to be a student of class 10th or 12th from a non-humanities background (i.e. not from Civics, Political Science, or Modern Government studies).

The petitioner says that he was informed about the changed guidelines for the scribe by the Bar Council of India vide an electronic mail dated 22nd November, 2025. On coming to know about the revised guidelines, the petitioner has not been able to arrange for a scribe fulfilling the conditions as per the revised guidelines of 2025 due to paucity of time.

The petitioner says that the examination is scheduled to be held on 30th November, 2025 and as such, the petitioner will not only suffer irreparable loss and prejudice but also his rights guaranteed under Article 14, 19 and 21 of the Constitution of India will be infringed.

The petitioner, therefor, submits that he should be allowed to avail the assistance of a scribe in terms of the 2022 guidelines. The petitioner also says that the scribe, the petitioner has been able to arrange as per the 2022 guidelines is holding a degree in B. Pharma and qualifies one of the requirements under the guidelines but not the other criteria to be of 10th and 12th pass.

On behalf of the All India Bar Council, Mr. Avinash Kankani, learned advocate submits that the entire issue regarding the qualification of a scribe whose assistance a candidate intends to avail in the AIBE-XX scheduled to be held on 30th November, 2025 is under the supervision of monitoring committee of AIBE as per the direction of the Hon'ble Supreme Court.

In order to render assistance to the petitioner for availing a scribe as per the 2022 guidelines, the permission of the monitoring committee is required to be obtained. Due to shortage of time it is practically impossible to approach the monitoring committee and to get the necessary permission and/or relaxation.

On behalf of the Bar Council of India, however, the practical difficulty of the petitioner is appreciated, but says that such relaxation cannot be granted by them without the permission of the monitoring committee.

After hearing the parties and considering the materials on record, I find that the petitioner has been able to demonstrate by placing the certificate of disability that is suffering from visual disability and is 100% blind. The object of 2016 Act is to give a Divyangjan the social support to lead a life with dignity as guaranteed under Article 19(g) and 21 of the Constitution.

The petitioner despite of his health issues has overcome various obstacles to obtain his LL.B degree. He has also obtained the provisional enrolment certificate from the Karnataka State Bar Council. The Bar Council of India on his application has also permitted him to avail the assistance of a scribe. It is also evident from the record that the petitioner was initially informed that he will be able to avail the assistance of scribe under 2022 but has been informed as late as on 22nd November, 2025 about the change in the guidelines of the scribe and that he has to follow the revised guidelines. The time between 22nd November, 2025 and 30th November, 2025, being the date of the examination is, in fact, very short period for a candidate like the petitioner to arrange for an alternative scribe as per the revised guidelines.

In the aforesaid facts and circumstances, keeping in mind the objects of the 2016 Act and the rights available to a citizen under the Constitution to lead a life with dignity, I am inclined to direct the Bar Council of India to allow the petitioner to avail the assistance of the scribe as per the guidelines of the Ministry of Social Justice and Empowerment dated 10th August, 2022 as communicated to the petitioner by an electronic mail dated 6th November, 2025 pursuant to his application for appearing in the AIBE-XX Examination.

This Court appreciates the fairness shown by the learned advocate appearing for the Bar Council of India and further expects that the Bar Council of India shall take necessary approval of the monitoring committee as may be required in terms of this order to allow the petitioner to avail the assistance of scribe as per the 2022 Guidelines.

All parties including the examination centre wherein the petitioner is scheduled to appear in the AIBE-XX Examination on 30th November, 2025 shall act on the basis of a server copy of this order duly downloaded from the official website of this Court without insisting upon production of a certified copy thereof.

Nothing further remains to be adjudicated in this writ petition. The same is accordingly disposed of.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Arindam Mukherjee, J.)