



WEB COPY

W.P.No.29292 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2025

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.P.No.29292 of 2024

K.T.Rajan

.. Petitioner

v.

1. The Bar Council of Tamil Nadu and Puducherry
High Court, Gate No.4
NSC Bose Road, George Town
Chennai, Tamil Nadu 600 104

2. The Bar Council of India
21 Royse Avenue, Industrial Area
New Delhi 110 002

3. K.M.Jayapaul

4. The Registrar
Bangalore University
Pareekshabhavana Jnanabharathi Campus
Bengaluru 560 056
(R4 suo motu impleaded as per order
dated 02.01.2025 in WP.29292/2024)

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying



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for issuance of a Writ of Mandamus, directing the 1st respondent to transfer the complaint dated 06.11.2022 to the 2nd respondent as per Section 36B of the Advocates Act, 1961 and the 2nd respondent accordingly to initiate inquiry as per Section 36(2) and file the action taken report before this Hon'ble Court.

For Petitioner :: Mrs.P.Veena Suresh

For Respondents :: Mr.C.K.Chandrasekhar
 Standing Counsel for R1
 Mr.S.R.Raghunathan
 Standing Counsel for R2
 Dr.A.Thiyagarajan
 Senior Counsel for
 Ms.Vinopradha for R3
 No appearance for R4

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

The writ of mandamus has been instituted to direct the first respondent to transfer the complaint dated 06.11.2022 to the second respondent, as per Section 36B of the Advocates Act, 1961 and the second respondent accordingly to initiate enquiry as per Section 36(2) of the Act.

2. The petitioner is a practicing Advocate at Salem. The third respondent has been enrolled as an Advocate during the year 1987 and his



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enrollment number is 120 of 1987. The petitioner sent a complaint to the Bar Council of Tamil Nadu and Puducherry questioning the validity of the law degree obtained by the third respondent. It is contended that the third respondent enrolled himself as an Advocate by producing bogus law degree certificate.

3. The learned Senior Counsel Mr.A.Thiyagarajan appearing on behalf of the third respondent would submit that the law degree and mark statements were produced by the third respondent before the Bar Council of Tamil Nadu. The Bar Council of Tamil Nadu sent the mark statements for verification to Bangalore University. Since the Bangalore University has not responded so far, further action is unable to be continued by the Bar Council of Tamil Nadu and Puducherry. Since one year expired, the Bar Council of Tamil Nadu has to forward the complaint to the Bar Council of India for continuance of enquiry. This Court impleaded the Registrar, Bangalore University as party respondent. However, the University has not responded to the notice issued in the present writ petition. The Bar Council of Tamil Nadu is also attempting to secure authenticity certificate from the



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Bangalore University, which is also awaited.

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4. This Court is of the considered opinion that the law degree produced by the third respondent and its authenticity is to be verified by the Bangalore University. The mark statements produced by the third respondent are also to be verified with reference to the original records available in Bangalore University. Since one year period expired, the Bar Council of Tamil Nadu is directed to initiate appropriate action to forward the complaint to the Bar Council of India for further actions under the provisions of the Act and Rules. The Bar Council of India may secure necessary authenticity certificate or verify the authenticity of the mark statements/law degree produced by the third respondent and proceed with the enquiry and pass appropriate orders by following the due process of law as expeditiously as possible. With the above direction, the writ petition stands disposed of. Consequently, W.M.P.No.31939 of 2024 is closed. No costs.

Index : yes
Neutral citation : yes
ss
To

(S.M.S.,J.) (M.J.R.,J.)
30.01.2025



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