



W.P.No.32526 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2025

CORAM :

**THE HONOURABLE MR. JUSTICE M.S. RAMESH**

**AND**

**THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR**

W.P.No.32526 of 2017  
and W.M.P.No.35856 of 2017

M.Vivekanandan

... Petitioner

***Vs.***

1.Bar Council of Tamil Nadu & Pondicherry,  
Rep. by its Secretary,  
High Court Campus,  
Chennai – 600 104.

2.The Secretary,  
Bar Council of India,  
No.21, Rouse Avenue,  
Institutional Area,  
New Delhi – 110 002.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, calling for the concerned records from the 1<sup>st</sup> respondent, quash the show cause notice dated 13.11.2017 bearing R.O.C. No.6962 of 2017 as illegal, arbitrary, contrary to law and without power.

For Petitioner : Mr.Balan Haridas



WEB COPY



W.P.No.32526 of 2017

For R1 : Mr.C.K.Chandrasekar

### **ORDER**

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

The petitioner herein was registered in the rolls of the first respondent/Bar Council of Tamil Nadu and Puducherry on 30.04.2010 and assigned with an Enrolment No.Ms655/2010. Claiming that he has not satisfied the terms and conditions of Rule 5 of the Rules of Legal Education, 2008 framed by the Bar Council of India Rules, in respect of the course said to have been completed by the petitioner for getting the Law Degree to practice as an Advocate, a show cause notice was issued to him by the first respondent/Bar Council on 13.11.2017. By a reply dated 29.11.2017, he had informed the first respondent/Bar Council that he had completed the Bachelors of Academic Law (B.A.L.) regular 3 years degree course between 2006-2009, prior to joining L.L.B. Degree and therefore, he had not violated Rule 5 of the Rules of Legal Education, 2008.

2. Heard the learned counsel for the petitioner, as well as the learned



W.P.No.32526 of 2017

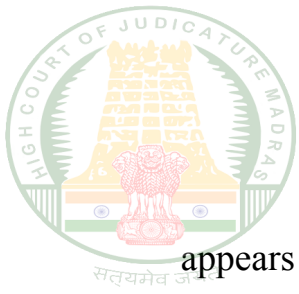
counsel appearing for the first respondent.

WEB COPY

3. The learned counsel appearing for the first respondent/Bar Council of Tamil Nadu and Puducherry submitted that as per the information provided by the petitioner in Column 8 (vii), the petitioner had submitted his qualifications prior to L.L.B. Degree, which did not include 10+2+3+3 pattern of education, owing to which the impugned show cause notice dated 13.11.2017 was issued to him.

4. In answer to such an objection, the learned counsel for the petitioner submitted that though the petitioner had given certain irrelevant information in his application, the fact remains that the petitioner did possess the qualifying pattern of education as required under Rule 5 of the Rules of Legal Education, 2008 since he had completed his X standard, Higher Secondary, B.A.L. and then his Law Degree.

5. The fact that the petitioner possesses his L.L.B Degree qualification in 10+2+3+3 pattern is not under dispute. It is only in the application he has furnished certain additional information, which has prompted the first respondent/Bar Council to issue the show cause notice. The petitioner also



W.P.No.32526 of 2017

appears to have given his explanation to the show cause notice on 29.11.2017, substantiating his education details. He had also informed the first respondent/Bar Council that apart from the aforesaid qualifications, he had also successfully completed the Advocate on Record examination conducted by the Hon'ble Supreme Court of India in May 2015.

6. It is true that the petitioner had made certain entries in his application seeking for enrolling himself as an Advocate before the first respondent/Bar Council of Tamil Nadu and Puducherry with regard to his qualification, prior to his Law Degree. We have already held that the petitioner did possess the required qualifications to join the Law Degree Course. The mistake that appears to have been committed is a minor error, which should not deprive his valuable right of practising as a lawyer, as held by the Hon'ble Supreme Court of India in its decisions made in '**Dolly Chanda Vs. Chairman, JEE & others**' reported in (2005) 9 SCC 779 and '**Avtar Singh Vs. Union of India**' reported in (2016) 8 SCC 417.

7. Now that it is found that the petitioner possesses the regular educational pattern of 10+2+3+3, he is deemed to have satisfied the terms and conditions of Rule 5 of the Rules of Legal Education, 2008. Having



W.P.No.32526 of 2017

established so before this Court, directing the first respondent/Bar Council of Tamil Nadu and Puducherry to consider a reply of the petitioner dated 29.11.2017 to the impugned show cause notice dated 13.11.2017, would only be a futile exercise, more particularly when the first respondent/Bar Council itself has not disputed his valid educational qualifications.

8. Accordingly, the Writ Petition stands allowed and the impugned show cause notice dated 13.11.2017 passed in R.O.C.No.6962 of 2017 by the first respondent, is hereby quashed. No costs. Connected miscellaneous petition is closed.

[M.S.R, J.]

[N.S, J.]

11.03.2025

Index: Yes  
Speaking order  
Internet: Yes

*Sni*



WEB COPY



W.P.No.32526 of 2017

**M.S.RAMESH, J.**  
**and**  
**N. SENTHILKUMAR, J.**

*Sni*

To

1.The Secretary to Bar Council of Tamil Nadu & Pondicherry,  
High Court Campus,  
Chennai – 600 104.

2.The Secretary,  
Bar Council of India,  
No.21, Rouse Avenue,  
Institutional Area,  
New Delhi – 110 002.

W.P.No.32526 of 2017

11.03.2025