



W.P.No.37372 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

W.P.No.37372 of 2024

Savitha Karthikeyan

...Petitioner

Vs.

1. Union Of India

Rep. By Its Secretary Department Of Legal Affairs,
Ministry Of Law And Justice,
4th Floor A - Wing,
Shastri Bhawan, New Delhi 110 001.

2.Bar Council Of India,

Rep. By Its Secretary No.21,
Rouse Avenue Institutional Area,
Near Bal Bhawan,
New Delhi 110 002.

3.Bar Council Of Tamil Nadu And Puducherry,

Rep. By Its Secretary,
High Court, Gate Number 4 N.S.C.Bose Road,
George Town, Chennai 600 104.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of Writ of Mandamus, to directing the



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Respondents 2 and 3 to consider petitioner's representation dated 28/10/2024 and pass orders to enrol petitioner as an advocate with the 3rd Respondent and permit the petitioner to appear for the Exam conducted by the Bar Council of India to practice as an advocate in any part of India.

For Petitioner : Mr.S.Sundaresan

For Respondent : Mr.M.E.Sarashwathy
Central Government Standing Counsel
for R1
Mr.S.R.Raghunathan,
Standing Counsel for BCI for R2
Mr.C.K.Chandrasekhar
Standing Counsel for R3

ORDER

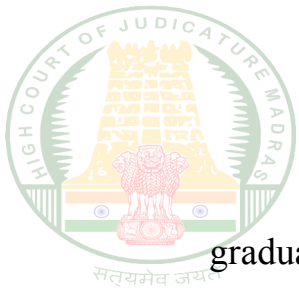
M.S.RAMESH, J.

And

N.SENTHILKUMAR, J.

This Writ Petition has been filed to direct the respondents 2 and 3 to consider petitioner's representation dated 28.10.2024 and pass orders to enrol the petitioner as an advocate with the 3rd respondent and permit the petitioner to appear for the exams conducted by the Bar Council of India to practice as an advocate in any part of India.

2. Learned counsel for the petitioner submitted that the petitioner is

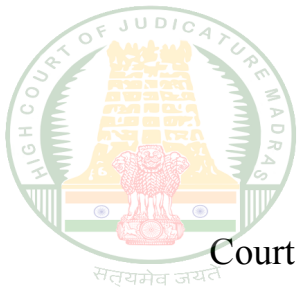


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graduated with a degree in Common Law (Two-years LLB Accelerated Programme) from the University of Glasgow, United Kingdom, which has been recognized and approved by the Bar Council of India vide Resolution No.BCI/D/4636/2018 dated 27/28.10.2018. Therefore, she made a representation dated 28.10.2024 before the respondents 2 and 3, seeking to enrol the petitioner as an advocate with the 3rd respondent and permit the petitioner to appear for the exams conducted by the Bar Council of India to practice as an advocate in any part of India. Since the same has not been considered till date, the petitioner has come forward with this Writ Petition.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this



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Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

5. In view of the above observation, this Court, without going into the merits of the petitioner's representation or the contentions of the petitioner in the affidavit filed in support of this Writ Petition, directs the respondents 2 and 3 to consider the representation of the petitioner dated 28.10.2024, seeking to enrol the petitioner as an advocate with the 3rd respondent and permit the petitioner to appear for the exams conducted by the Bar Council of India to practice as an advocate in any part of India, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order and communicate the same to the petitioner.

6. With the above direction, this Writ Petition stands disposed of.

No costs.



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[M.S.R., J] [N.S., J]

24.02.2025

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Index: Yes/No
Speaking/Non-speaking order
Internet: Yes/No
Neutral Citation: Yes/No
Anu

To

1.The Secretary Department Of Legal Affairs,
Ministry Of Law And Justice,
4th Floor A - Wing,
Shastri Bhawan, New Delhi 110 001.

2.Bar Council Of India,
Rep. By Its Secretary No.21,
Rouse Avenue Institutional Area,
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3.Bar Council Of Tamil Nadu And Puducherry,
Rep. By Its Secretary,
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M.S.RAMESH, J.
and
N.SENTHILKUMAR, J.
Anu



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