

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 17962 OF 2024

Siddhi Jitendra Shinde ...Petitioner
Versus
Bar Council of Maharashtra And Goa And Ors. ...Respondents

Mr. Prithviraj S. Gole a/w Mr. Shyam Birje for the Petitioner.
Mr. Yogendra Rajgor for Respondent No.1.
Mr. Rui Rodrigues i/b. Mr. Jainendra Sheth for Respondent No.2.
Mr. Prasad L. Gajbhiye for Respondent No.3- BCI.

**CORAM : R. I. CHAGLA AND
ADVAIT M. SETHNA, JJ.**

DATED : 17th APRIL, 2026

PC:-

1. By this Petition, the Petitioner is seeking quashing and setting aside of communication dated 25 September 2024 issued by Respondent No.1. Further prayer sought for directing the Respondent No.1 to forthwith process the enrollment application filed by the Petitioner and to enroll the Petitioner as an Advocate. There is an additional prayer directing the Respondent No.2 to forthwith issue marksheets of fifth and sixth semesters and for issuance of LL.B. Degree Certificate.
2. Having heard the learned counsel for the parties and considering the above prayers, particularly the prayer which impugns the communication dated 25 September 2024 addressed by the Secretary of Respondent No.1 –

Bar Council of Maharashtra and Goa to the Respondent No.2 – University, whereby mention is made of the Petitioner having secured 43.8% in Open Category which is less than permissible percentage of 45% as per the legal education Rules for open category. In spite of this, the Petitioner had been admitted for Law Course for three years. The Respondent No.2 – University was required to respond to the impugned communication in order for the Enrollment Committee to consider the application of the Petitioner.

3. Mr. Rodrigues, learned counsel appearing for the Respondent No.2 – University has relied upon the affidavit-in-reply of Respondent No.2 which has been filed in this proceeding on 26 February 2025. He has submitted that the Respondent No.2 – University has given an explanation in the said affidavit as to how the Petitioner was admitted to the law course for three years. This explanation has not been put forth in response to the impugned communication. He states that the Respondent No.1 – Bar Council of Maharashtra and Goa may consider the averments in the said affidavit-in-reply which may be treated as a response to the impugned communication and upon which, the Enrollment Committee may determine the application of the Petitioner. This statement is accepted.

4. The Petitioner has also made submissions and also placed reliance on certain authorities which form part of the compilation which is tendered to this Court. Considering that the impugned communication has not rejected the Petitioner's Application for 'Sanad' (right to practice), we consider it

appropriate that prior to any decision taken by the Respondent No.1 – Bar Council of Maharashtra and Goa, the Petitioner be granted an opportunity to present her case before the Committee of Respondent No.1. So also, the Respondent No.2 – University's averments in its said Affidavit-in-reply which is required to be treated as a response to the impugned communication, be considered by Respondent No.1 – Bar Council of Maharashtra and Goa.

5. The Petitioner shall make a representation to the Respondent No.1 – Bar Council of Maharashtra and Goa and which representation may consists of the averments which have been made in the present Petition and which shall be filed within a period of two weeks from today. The Respondent No.2 – University shall also submit copy of the affidavit-in-reply to the Writ Petition which shall be treated as a reply to the impugned communication dated 25 September 2024 and also to be forwarded to the Respondent No.1 – Bar Council of Maharashtra & Goa within a period of two weeks from today.

6. The Respondent No.1 – Bar Council of Maharashtra & Goa, through its Enrollment Committee, shall consider the representation of the Petitioner and the say of the Respondent No.2 – University as to how the Petitioner was admitted in the Law course for 3 years and which course has been completed by the Petitioner. The Enrollment Committee of the Respondent No.1 – Bar Council of Maharashtra and Goa shall take a

decision on whether to allow the enrollment application of the Petitioner and enroll the Petitioner as an Advocate. Such decision shall be taken within a period of 8 weeks from the receipt of the representation of the Petitioner and say of the Respondent No.2 – University. The fresh decision taken shall be served upon the Petitioner by the Respondent No.1 – Bar Council of Maharashtra and Goa within a period of one week of taking such decision.

7. In the event, the Petitioner is aggrieved by the decision taken by the Enrollment Committee of Bar Council of Maharashtra and Goa, liberty is granted to the Petitioner to adopt appropriate proceedings in accordance with law.

8. We make it clear that we have not gone into the merits of the present Writ Petition and the rights and contentions of the parties in these proceedings are expressly kept open.

9. The Writ Petition is disposed of in these terms. There should be no order as to costs.

[ADVAIT M. SETHNA, J.]

[R.I. CHAGLA, J.]