



WA NO. 1050 OF 2024 & W.P.(C)Nos.26568 & 24357 of 2024

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE ACTING CHIEF JUSTICE MR. A.MUHAMED MUSTAQUE

&

THE HONOURABLE MR. JUSTICE S.MANU

TUESDAY, THE 30TH DAY OF JULY 2024 / 8TH SRAVANA, 1946

WA NO. 1050 OF 2024

AGAINST THE ORDER/JUDGMENT DATED IN WP(C) NO.25979 OF 2024 OF HIGH COURT
OF KERALA

APPELLANT/S:

- 1 BAR COUNCIL OF KERALA
AGED 53 YEARS
REPRESENTED BY ITS SECRETARY, BAR COUNCIL BHAVAN, HIGH COURT
CAMPUS, ERNAKULAM, KOCHI, PIN - 682031
- 2 THE CHAIRMAN
AGED 58 YEARS
BAR COUNCIL OF KERALA, BAR COUNCIL BHAVAN, HIGH COURT
CAMPUS, ERNAKULAM, KOCHI, PIN - 682031
- 3 THE ENROLMENT COMMITTEE CHAIRMAN
AGED 52 YEARS
BAR COUNCIL OF KERALA, BAR COUNCIL BHAVAN, HIGH COURT
CAMPUS, ERNAKULAM, KOCHI, PIN - 682031
- 4 THE SECRETARY
AGED 53 YEARS
BAR COUNCIL OF KERALA, BAR COUNCIL BHAVAN, HIGH COURT
CAMPUS, ERNAKULAM, KOCHI, PIN - 682031

BY ADVS.
M.U.VIJAYALAKSHMI
K.JAJU BABU (SR.)

SRI.RAJIT SC BAR COUNCIL OF KERALA

RESPONDENT/S:

- 1 UNNIKRISHNAN H
AGED 25 YEARS
KATTUPURACKAL (H), OLATHALA, PATTANAKKAD P.O, CHERTHALA,



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ALAPPUZHA DISTRICT, PIN - 688531

2 THE BAR COUNCIL OF INDIA
REPRESENTED BY ITS SECRETARY, 21, ROSE AVENUE, INSTITUTIONAL
AREA, NEW DELHI, PIN - 110002

3 INDIAN INSTITUTE OF TECHNOLOGY, KHARAGPUR
REPRESENTED BY ITS REGISTRAR, INDIAN INSTITUTE OF
TECHNOLOGY, KHARAGPUR, KHARAGPUR, WEST BENGAL, PIN - 721302

4 ADARSH P (SOUGHT TO BE IMPLEADED)
S/O P. V PRABHAKARAN, SHIVA HARI NIVAS, NENMARA POST,
PALAKKAD DISTRICT. (SOUGHT TO BE IMPLEADED)

BY ADVS.
BRIJESH N.B.
BALAKRISHNAN N.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 30.07.2024, ALONG
WITH WP(C).24357/2024, 26568/2024, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:



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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE ACTING CHIEF JUSTICE MR. A.MUHAMED MUSTAQUE

&

THE HONOURABLE MR. JUSTICE S.MANU

TUESDAY, THE 30TH DAY OF JULY 2024 / 8TH SRAVANA, 1946

WP(C) NO. 24357 OF 2024

PETITIONER/S:

ACHUTH J. WARRIER
AGED 23 YEARS
S/O JAYAN A. WARRIER, WARRIATH HOUSE, MAVELIKKARA P.O.,
ALAPPUZHA DISTRICT, PIN - 690101

BY ADVS.
JERRY PETER
MOHAMMED THAYIB N.M.
NAYANA VARGHESE
AHAMMAD SACHIN K.

RESPONDENT/S:

- 1 COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY
REPRESENTED BY ITS REGISTRAR, THRIKKAKARA, CUSAT P.O.,
ERNAKULAM DISTRICT, PIN - 682022
- 2 THE CONTROLLER OF EXAMINATION
COCHIN UNIVERSITY OF SCIENCE & TECHNOLOGY, THRIKKAKARA,
CUSAT P.O., ERNAKULAM DISTRICT, PIN - 682022
- 3 BAR COUNCIL OF KERALA
REPRESENTED BY ITS SECRETARY, BAR COUNCIL BHAVAN, HIGH COURT
CAMPUS P.O., ERNAKULAM DISTRICT, PIN - 682031
- 4 THE SECRETARY
THE BAR COUNCIL OF KERALA BAR COUNCIL BHAVAN, HIGH COURT
CAMPUS P.O., ERNAKULAM,, PIN - 682031

BY ADVS.
M.U.VIJAYALAKSHMI
K.JAJU BABU (SR.) (K/116/1981)



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SRI.RAJIT SC BAR COUNCIL OF KERALA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30.07.2024, ALONG WITH WA.1050/2024 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE ACTING CHIEF JUSTICE MR. A.MUHAMED MUSTAQUE

&

THE HONOURABLE MR. JUSTICE S.MANU

TUESDAY, THE 30TH DAY OF JULY 2024 / 8TH SRAVANA, 1946

WP(C) NO. 26568 OF 2024

PETITIONER/S:

ADARSH P,
AGED 26 YEARS
S/O P V PRABHAKARAN, SHIVA HARI NIVAS, NENMARA POST, PALAKKAD
DISTRICT, PIN - 678508

BY ADVS.
BRIJESH N.B.
BALAKRISHNAN N.

RESPONDENT/S:

- 1 BAR COUNCIL OF INDIA,
REPRESENTED BY ITS SECRETARY, 21, ROSE AVENUE, INSTITUTIONAL
AREA, NEW DELHI, PIN - 110002
- 2 BAR COUNCIL OF KERALA,
REPRESENTED BY ITS SECRETARY, BAR COUNCIL BHAVAN, HIGH COURT
CAMPUS, ERNAKULAM, KOCHI, PIN - 682031
- 3 THE CHAIRMAN,
BAR COUNCIL OF KERALA, BAR COUNCIL BHAVAN, HIGH COURT
CAMPUS, ERNAKULAM, KOCHI, PIN - 682031
- 4 THE ENROLMENT COMMITTEE CHAIRMAN,
BAR COUNCIL OF KERALA, BAR COUNCIL BHAVAN, HIGH COURT
CAMPUS, ERNAKULAM, KOCHI, PIN - 682031
- 5 THE SECRETARY,
BAR COUNCIL OF KERALA, BAR COUNCIL BHAVAN, HIGH COURT
CAMPUS, ERNAKULAM, KOCHI, PIN - 682031
- 6 INDIAN INSTITUTE OF TECHNOLOGY, KHARAGPUR,
REPRESENTED BY ITS REGISTRAR, INDIAN INSTITUTE OF TECHNOLOGY



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, KHARAGPUR, KHARAGPUR, WEST BENGAL, PIN - 721302

SRI.RAJIT SC BAR COUNCIL OF KERALA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30.07.2024, ALONG WITH WA.1050/2024 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



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JUDGMENT

Dated this the 30th day of July 2024

A.Muhamed Mustaque, Acg.C.J.

These matters are related to enrolment under Section 24 of the Advocates Act, as an Advocate on the roll of the Bar Council of Kerala. The Bar Council faces a recurring problem as many candidates are approached this Court on the eve of enrolment to get a relief at the time of enrolment. The problem is specifically pointed out by the learned Senior Counsel Sri.Jaiju babu is that, if such directions are given, it becomes difficult for Bar Council of Kerala to follow the directions issued by the Bar Council of India for the verification of the certificate of graduation in law from the University concerned. It is submitted that Bar Council of India issued mandatory directions for the verification of the certificate of graduation as a pre-condition for enrolment by their communication dated 28.01.2017. The Bar Council of India, in its meeting held on 27.12.2016, taking note of the large number of persons who have enrolled with the Bar Councils in India without a formal law degree and also got enrolled based on fake degrees, decided to insist upon the verification of degree of candidates from various universities. Accordingly the Bar Council of India directed all Bar Council as follows:

"1. The State Bar Councils/Enrolment Committees of the State Bar Councils



shall require the Xerox as well as the original certificates of the candidates applying for enrolment. Following certificates shall be required to be submitted along with the enrolment forms:

- a) *Certificate of concerned Board for Secondary/10th examination.*
- b) *Certificate of concerned Board for Senior Secondary or intermediate examination.*
- c) *Certificate of graduation, if any or/and the L.L.B. Degree or the provisional certificates of these Degrees granted by the University as well as the mark sheets of all the three or five year of L.L.B. Examinations."*

2. Under Bar Council of Kerala Rules, 1973 in Chapter V every person applying for enrolment under Section 24 of the Advocate Act as an Advocate on the roll shall file with the Secretary the following:

" ** **"

"b) A certificate granted by the University showing that he has obtained a Degree in Law from any University prescribed under Section 24 of the Act."

3. This is a mandatory requirement. Many applicants were either waiting for their result or for their provisional certificates to be issued by the university. They rushed with an application for enrolment without accompanying the mandatory documents as above. The Bar Council of India insists that a minimum of 20 days should be available prior to their enrolment for verifying such documents.

4. The Bar Council is an autonomous body. It is for them to fix the enrolment schedule. Bar Council of Kerala fixes the timeline based on the directions issued by the Bar Council of India. These directions are



issued to protect larger interests. If the court issues a direction, that would breach the timeline as fixed by the Bar Council of Kerala and also, it may hamper the objectives of the decision taken by the Bar Council of India. It is not for the Court to re-fix the timeline as it deems fit. Absolutely this is a matter to be decided by the Bar Council alone. Therefore, this Court cannot entertain the writ petition to re-write the schedule fixed by the Bar Council. Once the Bar Council fixes the schedule, if the required documents are not produced within the specified time, the person is not deprived of applying in the future and can apply for future enrolment as an Advocate.

5. We are therefore of the view that this Court should not interfere with the timeline fixed by the Bar Council for accepting applications, curing defects, or any other timeline specified in the notification. The Bar Council fixes the time schedule, keeping in mind the objectives to be achieved for verification of qualifications. Therefore, they must strictly follow the timeline fixed in the notification and the court shall not intervene with such a timeline.

6. In this matter, admittedly all the writ petitioners approached this Court seeking relief as they submitted the certificates after the cut off date. This Court ought not to have directed to accept such certificate after the cut off date. Considering the fact that they have already enrolled, the enrolment cannot be reversed. These writ petitions are disposed of with the above observations and directions.



7. However, the enrolment of the writ petitioners based on the orders will not bar the Bar Council from conducting any verification of the enrolments. Their enrolment will be subject to any verification by the Bar Council from the respective Universities.

All matters are disposed of accordingly.

sd/

**A.MUHAMED MUSTAQUE
ACTING CHIEF JUSTICE**

sd/

**S.MANU
JUDGE**

jm/



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APPENDIX OF WP(C) 24357/2024

PETITIONER EXHIBITS

- Exhibit P1 THE TRUE COPY OF THE CONTINUOUS ASSESSMENT MARKS PUBLISHED IN THE 1ST RESPONDENT WEBSITE IN THE PETITIONER'S DASHBOARD
- Exhibit P2 THE TRUE COPY OF THE HALL TICKET ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER
- Exhibit P3 THE TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 02.07.2024
- Exhibit P4 THE TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT



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APPENDIX OF WP(C) 26568/2024

PETITIONER EXHIBITS

- Exhibit P1 THE PRINTOUT OF THE RESULT TAKEN FROM THE ERP SYSTEM OF THE 6TH RESPONDENT
- Exhibit P2 THE COPY OF THE ENROLMENT APPLICATION (NO: 2491/2024) SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT
- Exhibit P3 THE COPY OF THE FEE REMITTED ON 27/06/2024
- Exhibit P4 THE TRUE COPY OF THE PROVISIONAL LL.B. DEGREE CERTIFICATE AS DOWNLOADED FROM THE ERP SYSTEM, IITKGP DATED 11/07/2024
- Exhibit P5 THE TRUE COPY OF THE REPRESENTATIONS SUBMITTED TO RESPONDENTS 2 TO 5 DATED 19/7/2024
- Exhibit P6 TRUE COPY OF THE JUDGMENT IN W.P. (C) NO.41733/2023 OF THIS HONORABLE COURT DATED 14.12.2023
- Exhibit P7 THE TRUE COPY OF THE JUDGMENT IN W.P. (C) NO.25979/2024 OF THIS HONORABLE COURT DATED 19.07.2024



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APPENDIX OF WA 1050/2024

PETITIONER ANNEXURES

- Annexure A TRUE COPY OF THE INSTRUCTIONS VIDE NO.BCI:D:529/2017 (COUNCIL) DATED 28.01.2017 BASED ON THE DECISION OF THE GENERAL BODY OF THE 2ND RESPONDENT.
- Annexure B TRUE COPY OF THE INFORMATION SPECIFICALLY STIPULATING, IT IS MANDATORY THAT DEGREE CERTIFICATE FROM THE UNIVERSITIES TO BE VERIFIED-PUBLISHED IN THE WEBSITE OF THE BAR COUNCIL OF KERALA.
- Annexure C TRUE COPY OF THE SCREENSHOT OF THE WEBSITE REGARDING THE NEXT ENROLLMENT SCHEDULE TAKEN FROM THE WEBSITE OF THE BAR COUNCIL OF KERALA.
- Annexure D TRUE COPY OF THE ORDER DATED 05.07.2024 IN W.P.(C).NO.24357 OF 2024 OF THIS HON'BLE COURT.
- Annexure E TRUE COPY OF THE ORDER DATED 10.07.2024 IN W.P.(C).NO.24357 OF 2024 OF THIS HON'BLE COURT
- Exhibit P1 TRUE PRINT OUT OF THE APPLICATION FOR ENROLMENT DATED 24.6.2024 (SYSTEM GENERATED) WITH SYSTEM GENERATED NUMBER 2525/2024, ALONG WITH ACCOMPANIMENTS
- Exhibit P2 TRUE PRINT OUT OF THE RECEIPT (COMPUTER GENERATED) DATED 27.6.2024 OF THE REMITTANCE OF FEE OF THE 2ND RESPONDENT
- Exhibit P3 TRUE PRINTOUT OF THE PROVISIONAL LL.B. DEGREE CERTIFICATE WITH GRADE CARD DATED 11.7.2024 AS DOWNLOADED FROM THE ERP SYSTEM, IITKGP OF THE 6TH RESPONDENT COLLEGE WEBSITE [HTTPS://ERP.IITKGP.AC.IN](https://erp.iitkgp.ac.in)
- Exhibit P4 TRUE PRINTOUT OF THE PETITIONER'S MAIL TO RESPONDENT 2 TO 5



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Exhibit P5

TRUE COPY OF THE JUDGMENT IN W.P. (C)
NO.41733/2023 OF THIS HONOURABLE COURT