

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**R/SPECIAL CIVIL APPLICATION NO. 8281 of 2024  
With  
R/SPECIAL CIVIL APPLICATION NO. 8293 of 2024  
With  
R/SPECIAL CIVIL APPLICATION NO. 8294 of 2024  
With  
R/SPECIAL CIVIL APPLICATION NO. 8295 of 2024  
With  
R/SPECIAL CIVIL APPLICATION NO. 8296 of 2024  
With  
R/SPECIAL CIVIL APPLICATION NO. 8297 of 2024  
With  
R/SPECIAL CIVIL APPLICATION NO. 8298 of 2024  
With  
R/SPECIAL CIVIL APPLICATION NO. 8300 of 2024**

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**M.S.BHAGAT AND C.S. SONAWALA LAW COLLEGE**  
Versus  
**BAR COUNCIL OF INDIA & ORS.**  
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Appearance:

MR SI NANAVATI, SR.ADVOCATE with MR MRUGEN K PUROHIT(1224) for the Petitioner(s) No. 1  
MR MJ MEHTA(5797) for the Respondent(s) No. 4  
MR SAURABH J MEHTA(2170) for the Respondent(s) No. 4  
MR MANAN SHAH for the Respondent No. 1,2  
MS DHARITRI PANCHOLI, AGP for the Respondent No. 5,6,7  
MR SUDHANSHU A JHA(8345) for the Respondent(s) No. 3  
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**CORAM:HONOURABLE MR. JUSTICE VIMAL K. VYAS**

**Date : 31/05/2024**

**COMMON ORAL ORDER**

1. Issue RULE, making it returnable on 20<sup>th</sup> June 2024.

Learned advocates Mr.M.J.Mehta, Mr.Saurabh J.Mehta,  
Mr.Manan Shah, Mr.Sudhanshu A.Jha, Mr.A.R.Thacker,

Mr.D.G.Shukla, Mr.Rajendra Patel, Mr.Vimal A.Purohit, Mr.Siddharth Dave and learned AGP Ms.Dharitri Pancholi waives service of notice of rule for and on behalf of the respective respondent.

2. A Coordinate Bench of this Court has, vide its order dated 24<sup>th</sup> May 2024, directed the respondents, i.e. the University and the State of Gujarat, to file affidavit making their stand clear with regard to the fact, whether either the Government or the University can allot students so far as the colleges who are not having any recognition or approval from the Bar Council of India.

3. In response to the same, the respondent – University has filed affidavit dated 24<sup>th</sup> May 2024, *inter alia*, stating, in para-6, as under :

*“6. I say that considering the above, petitioner college being grant-in-aid college does not have requisite staff or any recognition from the Bar Council of India, therefore, in the interest of students, it would not be appropriate at this stage to allot students.”*

4. The respondent – State of Gujarat has also filed affidavit dated 25<sup>th</sup> May 2024, *inter alia*, stating, in para-6, as under :

*“6.1 That, the main issue revolving around in the present petition is with respect to law colleges affiliated with different Universities in the State of Gujarat. The admission process for all Government Universities has been amended from Academic Year 2024-25 by way of introducing of portal namely Gujarat Common Admission Services (herein after referred to as ‘GCAS’).*

*6.2 That, GCAS is a portal launched by the Department of Education, Government of Gujarat to streamline the admission registration process across various discipline offered by the Government Universities within the State of Gujarat. GCAS is a one stop solution for all Government Universities, Higher Education Institutes, Government Colleges, Grant-in-Aid Colleges, and self finance institutes affiliated with the Public Universities across State of Gujarat. This comprehensive portal is strategically crafted to simplify the admission procedure, consolidating all requisite information and services to facilitate a seamless experience for the students of Gujarat.*

*6.3 That, the guideline for the admission process through GCAS is clear and unambiguous in its terms. There are two different ways for admission through GCAS, centralized admission and decentralized admission. In centralized admission process, the data is collected by the GCAS and the same is then forwarded to concerned Universities, which undertake further process of giving the choice of preference*

*of different colleges to the students, for preparing the merit list. In case of decentralized process of admission, the data is collected by the GCAS and the same is then forwarded to the concerned college, which would prepare the merit list. Therefore, in both the process of admission, the allotment of the student is either performed by Universities or the college.”*

5. It is stated in the affidavit that the State Government has no role to play in the allotment of students to either Universities or Colleges. It is further stated that the admission process for all Government Universities has been amended from the Academic Year 2024-25 by way of introducing the Gujarat Common Admission Services portal. It is stated that after registration at the GCAS portal, the data of the registered students is transferred to the concerned universities and the universities allot the students to the concerned colleges.

6. In reply to the query raised by this Court, as to why the names of colleges which are not recognized by the Bar Council of India reflect on the GCAS portal, and pursuant to the order passed by this Court dated 27<sup>th</sup> May 2024, the respondent – State of Gujarat has filed affidavit, *inter alia*, stating that the

names of these non-recognized colleges have been put on the GCAS website by the concerned Universities, however, considering the issue concerned and considering the fact that the matter is *sub judice*, the registration process to the three-year LL.B. course has been temporarily put on hold.

7. Heard learned senior advocate Mr.S.I.Nanavati assisted by learned advocate Mr.Mrugen Purohit for the petitioners, learned advocates appearing for the respective Universities, learned advocate Mr.Manan Shah appearing for the respondent – Bar Council of India, learned advocate Mr.Saurabh Mehta appearing for the respondent – Bar Council of Gujarat and learned AGP Ms.Dharitri Pancholi appearing for the respondent – State. Perused the documents as pointed out by them.

8. Rules 14 and 18 of the Rules of Legal Education 2008 (for short, the ‘Rules 2008’) read thus :

**“14. Centres for Legal Education not to impart education without approval of Bar Council of India -**

*(1) No Centres of Legal Education shall admit any student and impart instruction in a course of study in law for*

*enrolment as an advocate unless the recognition of the degree of the University or the affiliation of the Centres of Legal Education, as the case may be, has been approved by the Bar Council of India after inspection of the University or Centres of Legal Education institution concerned as the case may be.*

*(2) An existing Centre of Legal Education shall not be competent to impart instruction in a course of study in law for enrolment as an advocate if the continuance of its affiliation is disapproved or revoked by the Bar Council of India.*

*(3) Bar Council of India may suspend a Centre of Legal Education for such violation for a period of not more than two academic years which shall be notified.”*

**“18. Inspection of a University -**

*(1) A University seeking recognition of its degree in law for the purpose of enrolment in the Bar, shall provide the inspecting committee of the Bar Council of India all necessary facilities to examine the syllabus of the course designed, teaching and learning process, evaluation system, infrastructure layout and other necessary conditions in general and shall ensure in particular that all University Departmental Centres, Faculty, Constituent and affiliated Centres of Legal Education proposing to offer law courses under either or both the streams, possess :*

(i) *Required infrastructural facilities outlined under the Bar Council of India Rules;*

(ii) *Required number of teaching faculties as prescribed by the Bar Council of India and the University Grants Commission;*

(iii) *Facilities for imparting practical legal education specified in the curriculum under the Rules and Legal Aid Clinic, Court Training and Moot Court exercises;*

(iv) *Adequate library, computer and technical facilities including on-line library facility and*

(v) *In case of a Centre of Legal Education sponsored by private initiative of a person there is a Capital Fund as required in the Schedule III by the Bar Council of India from time to time, deposited in the Bank Account in the name of the Centre of Legal Education concerned.*

(2) *For the above purpose the Inspection Committee of the Bar Council of India shall have power to call for and examine all relevant documents, enquire into all necessary information and physically visit and enquire at the location of the Department, Faculty, Constituent and affiliated Centres of Legal Education as the case may be.*

*Provided that an application for a new proposal for affiliation and the related University inspection therefore by the Inspection Committee of the Bar Council of India, including the local enquiry at the site of the proposed College may be formally made directly by the authority of the proposed College (Faculty, University Department, Constituent or Centres of Legal Education as the case may be) in proper Form with required information and requisite fees provided that an advance copy of the application must be submitted to the University concerned, within the stipulated date as notified by the Bar Council of India.”*

9. Rule 17 of Schedule III of the Rules 2008 provides as under :

**“17. Core Faculty :** *There shall be sufficient number of full time faculty members in each Centre of Legal Education ( i.e. Department, constituent or affiliated college) to teach each subject at all point of time for running courses who can be supported by part time or visiting faculty. Such a core faculty shall in no case be less than six in the first year of the approval with both streams in operation, eight in the second year and ten in the case of third year of law courses. In addition, for the integrated course there shall be adequate faculty in the subjects offered in the liberal educational subjects as part of the course by the institution. These faculties in the liberal educational discipline in Arts, Science, Management, Commerce, Engineering, Technology or any*

*other discipline shall possess qualification as is required under the UGC guideline or under such other standard setting body as the discipline is allotted to by any Act, statute, or Rules of the Government of India or of a State.*

*For the Three Year Bachelor of Law degree course only with two sections without the Honour program, there shall be minimum of 4 core faculty in the first year six in the second and eight in the third year in addition to the Principal/ Head or Dean as the case may be.*

*Provided that an institution intending to run any specialized or honours course must have at least three faculty in the group in which specialization and honours courses are offered.*

*Provided further that each full time faculty shall take as many classes in the subject or subjects as may be assigned to them on the basis of standard prescribed by 'the standard setting institution' like UGC.*

*Provided further, if any institution of a University, which was already affiliated to the University and approved to run professional courses of either scheme or both by the Bar Council of India after inspection of the University, falls short of required full time faculty, the new admission in courses may be required to remain suspended until new required number of faculty is procured. The University shall before starting a new academic session, notify which institutions*

*are only be allowed to admit fresh students.*

*Provided further that if while inspecting the University it was found that in any institution of the University adequate number of full time faculty was not there in the staff, the Bar Council after giving notice to the University might give a public notice directing the University not to admit students in the new academic year in that institution.”*

10. Having heard learned advocates for the respective parties and having considered the entire materials on record, it appears that the grant-in-aid colleges affiliated with different universities are facing difficulty to get the recognition/approval from the Bar Council of India. The issue mainly revolves around two aspects : (i) inspection and (ii) recruitment of core faculties for one division of 60 students.

11. So far as the issue of inspection is concerned, learned senior advocate Mr.Nanavati has submitted that out of the eight petitioners-colleges, seven colleges have already paid the requisite fees with the Bar Council of India by demand draft and one college, i.e. the Law College Godhra (petitioner of S.C.A. No.8295 of 2024) is paying the requisite fees by today.

12. Mr. Manan Shah, learned advocate appearing for the respondent - Bar Council of India has assured this Court that the BCI will take all the necessary steps in carrying out the inspection at the earliest.

13. Considering the aforesaid stance of the BCI, it is hereby directed that the BCI shall carry out the process of inspection at the earliest and the report in this regard shall be sent to the respective Universities/colleges on or before 15<sup>th</sup> June 2024, so that the entire process can be streamlined.

14. So far as the second aspect with regard to recruitment of core faculties is concerned, the respondent – State Government, in its affidavit dated 28<sup>th</sup> May 2024, has, in an unequivocal terms, stated as under :

*“10. It is respectfully submitted that the above mentioned Rule 17 applies to 2 divisions. However, in the case of State of Gujarat, it is a policy decision to provide for grant-in-aid to one division in particular college. Therefore, the core faculty required for first year would be 2 core faculty, for the second year would be 3 core faculty and for the third year would be 4 core faculty. Thus, 4 (core faculty) + 1 (principal) would be required for fulfilling the criteria of minimum infrastructural facilities required in a center of Legal Education for applying*

*permission to run Law Courses with affiliation from an Indian University as per schedule III of Rules of Legal Education, 2008.*

11. *It is respectfully submitted that to fulfill the said criteria of 4 (core faculty) + 1 (principal), the appointments of 22 professors across the State of Gujarat in different colleges was required. For the same, an advertisement came to be issued bearing No. Mahiti/1271/2023-2024. In the said subject advertisement, for the subject of Law, 22 posts were advertised and out of those 22 posts, 14 posts for Law professor came to be filled up. However, 7 posts have not been filled up as no eligible candidates were available in that particular category and 1 post could not be filled up as the concerned college refused to give appointment to the concerned candidate. It is pertinent to note at this stage that those 8 posts have already been sanctioned by the State Government and it is needless to say that those 8 posts will be filled up immediately upon finding the eligible candidates in respective category. Annexed hereto and marked as Annexure-R5 is the copy of the said advertisement and details of appointment of 14 candidates as Law Professor in respective colleges.*

12. *It is respectfully submitted that as far as appointment of Principals in Law colleges are concerned, out of the total 28 Law colleges, 7 colleges already have Regular Principal. For 3 colleges, the issue of appointment of Principal was prior to 01/01/2006 and therefore, the said issue of*

*appointment is pending for consideration. For 2 Law colleges, the concerned colleges have not made any application for grant of N.O.C. for the appointment of Principal. For the other 16 Law colleges, the No Objection Certificate has already been issued by the State Government. Thus, the post of 16 Principal has already been sanctioned by the State Government. The further process of advertisement and interview is to be undertaken by the respective law colleges in consultation with the concerned University. Annexed hereto and marked as Annexure-R6 is the copy of the said NOC and tabular details of all 28 colleges.*

*13. It is respectfully submitted that the State Government has put all the efforts to ensure that the 4 (core faculty) + 1 (Principal) is maintained and sanction is granted for all the vacant posts of law professor as well as principal. The same may be considered by the Bar Council of India while considering the applications of the law colleges for granting recognition to the concerned colleges.”*

15. It appears that the respondent - State Government has started taking steps to recruit adequate number of full time faculty members to teach each subject of studies. This Court is hopeful that the BCI may consider this aspect for granting temporary or regular approval as per Rule 26 of the Rules 2008.

16. Considering the provisions of Rules 2008 and considering the judgment of the Apex Court in case of Bar Council of India vs. Bonnie FOI Law College and others [Civil Appeal No.969 of 2023 arising out of SLP (C) No.22337 of 2008], it now becomes clear that the Universities or the State cannot allot the students to colleges which are not recognized/approved by the BCI. Admittedly, at present, all the petitioners-colleges are not having any recognition/approval of the BCI. Therefore, the issues raised in the petitions deserve consideration.

17. Let the matters be listed for further hearing on 20<sup>th</sup> June 2024 before the regular court as per roster. Interim relief in terms of 9(G) is granted till the next date of hearing.

/MOINUDDIN

**(VIMAL K. VYAS, J.)**