

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2024

CORAM

THE HON'BLE MR.R.MAHADEVAN, ACTING CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.12913 of 2024 AND

W.M.P.(MD)No.11479 of 2024

Gokul Abimanyu

... Petitioner

Vs.

1. The Union of India,
Rep. by its Secretary,
Ministry of Law & Justice,
4th Floor, A-Wing, Shastri Bhawan,
New Delhi – 110 001.

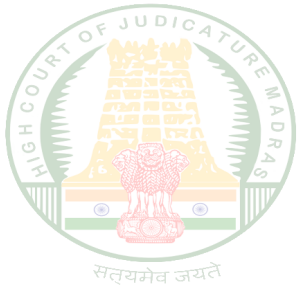
2. The Bar Council of India,
Rep. By its Chairman,
21, Rouse Avenue, Institutional Area,
New Delhi – 110 002.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to reduce the application fee for the All India Bar Examination(AIBE) conducted by the second respondent, on the basis of the petitioner's representation dated 19.01.2024 within the period stipulated by this Court.

For Petitioner : Mr.M.Pozhilan
For Respondents : Mr.K.Govindarajan,
Deputy Solicitor General of India.

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ORDER

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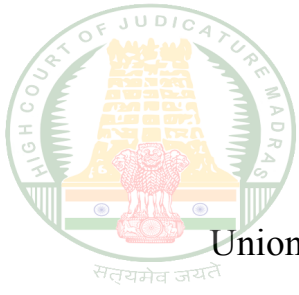
Heard the learned counsel appearing for the writ petitioner and the learned Deputy Solicitor General appearing for the respondents.

2. This writ petition has been filed in public interest. The petitioner is an Advocate practising before this Bench. He contends that the quantum of application fee prescribed for All India Bar Examination by the second respondent has to be reduced.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.

4. We are not impressed by the submissions of the learned counsel appearing for the petitioner. Section 24(1)(f) of the Advocates Act, 1961 stipulates that the enrolment fee payable to the State Bar Council is Rs.600/- and what is payable to the Bar Council of India is Rs.150/-. What is presently charged by the State Bar Councils across the country are in excess of the prescribed sum.

5. In fact, a writ petition has been filed in this regard before the Hon'ble Supreme Court of India. The Hon'ble Supreme Court orally observed that a significant issue has been raised and issued notice to the



Union of India, Bar Council of India and State Bar Councils(*Gaurav*

Kumar V. Union of India (2023 SCC OnLine SC 391). But the issue

before us pertains to the examination fee for the All India Bar Examination. Unlike in the case of enrolment fee, there is no statutory provision which prescribes any particular sum towards examination fee.

A Writ of Mandamus can be issued only if the applicant can show the existence of a legal right. In this case, no such legal right has been shown. Even in the absence of any statutory violation, if we find the quantum of fee to be exorbitant, we would be justified in interfering with the same. But such is not the case. What is demanded from the applicants is only a sum of Rs.3,500/-. It cannot be said to be high. We do not find any ground to interfere. This writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(R.M.D.A.C.J.)

(G.R.S.J.)

18.06.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

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W.P.(MD)NO.12913 OF 2024

**THE HON'BLE MR.R.MAHADEVAN,
ACTING CHIEF JUSTICE
AND
G.R.SWAMINATHAN,J.**

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