

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/SPECIAL CIVIL APPLICATION NO. 13048 of 2024
With
R/SPECIAL CIVIL APPLICATION NO. 13906 of 2024
With
R/SPECIAL CIVIL APPLICATION NO. 14428 of 2024
With
R/SPECIAL CIVIL APPLICATION NO. 14501 of 2024
With
R/SPECIAL CIVIL APPLICATION NO. 12377 of 2024
With
R/SPECIAL CIVIL APPLICATION NO. 12462 of 2024
With
R/SPECIAL CIVIL APPLICATION NO. 12557 of 2024
With
R/SPECIAL CIVIL APPLICATION NO. 13641 of 2024
With
R/SPECIAL CIVIL APPLICATION NO. 14106 of 2024
With
R/SPECIAL CIVIL APPLICATION NO. 12986 of 2024
With
R/SPECIAL CIVIL APPLICATION NO. 14011 of 2024
With
R/SPECIAL CIVIL APPLICATION NO. 14556 of 2024
With
R/SPECIAL CIVIL APPLICATION NO. 12876 of 2024
With
R/SPECIAL CIVIL APPLICATION NO. 14495 of 2024
With
R/SPECIAL CIVIL APPLICATION NO. 14497 of 2024
With
R/SPECIAL CIVIL APPLICATION NO. 14549 of 2024
With
R/SPECIAL CIVIL APPLICATION NO. 13634 of 2024
With
R/SPECIAL CIVIL APPLICATION NO. 14011 of 2024
With
R/SPECIAL CIVIL APPLICATION NO. 14167 of 2024**

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SAIYED MAHAMMADJUBER YUNUSBHAI & ORS.
Versus
BAR COUNCIL OF GUJARAT & ORS.
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Appearance:
MR MITUL SHELAT, for MR HARSH K RAVAL(9068) for the Petitioners
MS NIDHI VYAS, AGP for the Respondent(s) No. 5
MR MEHUL SHAH, SENIOR ADVOCATE with MR MANAN A SHAH(5412)



for the Respondent(s) No. 2
MR MJ MEHTA(5797) for the Respondent(s) No. 1
MR MRUGEN K PUROHIT(1224) for the Respondent(s) No. 4
MR SAURABH J MEHTA(2170) for the Respondent(s) No. 1
VIKAS V NAIR(7444) for the Respondent(s) No. 3
MR SUDHIR NANAVATI, SENIOR ADVOCATE for M/S NANAVATI & NANAVATI,
Assisted by MR VANDAN K BAXI AND MR MK PUROHIT for the law college.

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CORAM:HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE

Date : 21/10/2024

COMMON ORAL ORDER

1. Heard learned counsel Mr. Mitul Shelat for Mr. Harsh K. Raval for the petitioners, learned Assistant Government Pleader Ms. Nidhi Vyas for the respondent- State, learned senior counsel Mr. Mehul Shah assisted by learned advocate Mr. Manan A Shah for the Bar Council of India, learned counsel Mr. Saurabh Mehta for the Bar Council of Gujarat, learned counsel Mr. Vikas Nair for Gujarat University, learned senior counsel Mr. S.I. Nanavati for M/s. Nanavati & Nanavati, assisted by learned counsels Mr. Vandan K. Baxi and Mr. M.K. Purohit for the law colleges.

2. RULE returnable on **21.1.2025**. The learned counsels appearing for the respective respondents in each of the petitions waive service of notice of Rule.

3. Learned counsels appearing for the petitioner pray for interim relief permitting the petitioners to appear in All India Bar Examination, 2024 ('AIBE-2024' for short), to be held in November 2024.

4. It is submitted by the learned counsels that the petitioners

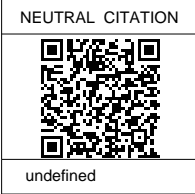


have submitted their enrolment forms to the Bar Council of Gujarat, but the same have not been processed and, therefore, in absence of grant of the provisional certificate of practice, the petitioners will not be able to appear in AIBE-2024.

5. Learned senior counsel Mr. Mehul S. Shah submits that the Bar Council of India has sent a a communication dated 18.2024 to its advocate Mr. Manan Shah, whereby it has been instructed to him that the petitioners may be permitted to appear in AIBE-2024 subject to the outcome of the present writ petitions, however the present cases may not be treated as a precedent.

6. In view of the aforesaid statement made by the learned counsel appearing for the Bar Council of India, the learned counsel appearing for the Bar Council of Gujarat submits that the pending enrolment forms of the petitioners shall be processed on its merits as per the prevalent rules and upon due verification, they will be issued provisional certificate of practice so as to enable them to appear in AIBE-2024.

7. In view of the aforesaid statements made by the learned counsels for the Bar Council of India as well as the Bar Council of Gujarat, the said respondents are directed to process the enrolment forms of the petitioners and grant them provisional certificate of practice after due verification as per the prevalent rules, subject to the outcome of the present petitions. This interim order has been passed on the basis of the concession



made by the learned senior counsel appearing on behalf of the Bar Council of India upon instructions received by him.

8. It is brought to the notice of the Court that there are other similarly situated graduates in the State of Gujarat whose forms have not been processed and who have completed their LL.B. degree from CLEs not approved by the Bar Council of India due to non-compliance of the payment of regularization fees and which are Government institutions or Grant-in-Aid institutions in the State of Gujarat. It would be injustice to such law graduates who have not or could not approach this Court by way of filing the writ petitions seeking the similar reliefs and who would be deprived of the opportunity to appear in AIBE-2024. Hence this Court directs that the present interim order shall also apply to all similarly situated graduates who have completed their LL.B. degree from Government or Grant-in-Aid CLEs in the State of Gujarat not approved by the Bar Council of India due to non-compliance of the payment of regularization fees. They shall be eligible to submit their enrollment forms with Bar Council of Gujarat and the Bar Council of Gujarat shall accept the forms for enrollment of such law graduates and process the same for grant of provisional certificate of practice pending the outcome of these petitions.

9. It is submitted by learned counsel Mr. Saurabh Mehta appearing on behalf of the Bar Council of Gujarat that the last date for accepting the enrollment forms for grant of provisional certificate of practice is 24.10.2024, as the AIBE-2024 is to be



held in November 2024. He submits that the process of the application forms takes some time as it involves the document verification. In the interest of such similarly situated law graduates, this Court deems it fit to direct the Bar Council of Gujarat to accept their application forms till 31.10.2024. The Bar Council of Gujarat shall grant provisional certificate of practice to such law graduates subject to final verification of their documents, so as to enable them to appear in AIBE-2024, if there is paucity of time to verify such applications.

10. It is made clear that this interim order is passed in the peculiar circumstances of these cases and shall not be treated as a precedent.

Direct Service is permitted.

OMKAR

Sd/-
ANIRUDDHA P. MAYEE, J.)