



2023/KER/79450

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

THURSDAY, THE 14<sup>TH</sup> DAY OF DECEMBER 2023 / 23RD AGRAHAYANA, 1945

WP (C) NO. 41733 OF 2023

PETITIONER:

AKHIL S.KUMAR, [REDACTED]

BY ADVS.B.MOHANLAL  
ASWIN V. NAIR  
P.S.PREETHA

RESPONDENTS:

- 1 BAR COUNCIL OF INDIA,  
REPRESENTED BY ITS SECRETARY, 21, ROSE AVENUE,  
INSTITUTIONAL AREA, NEW DELHI, PIN - 110002.
- 2 THE 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 OF BAR COUNCIL OF KERALA,  
REP. BY ITS CHAIRMAN, BAR COUNCIL OF KERALA,  
BAR COUNCIL BHAVAN, HIGH COURT CAMPUS,  
ERNAKULAM, KOCHI, PIN - 682031.
- 5 THE UNIVERSITY OF KERALA,  
REPRESENTED BY ITS REGISTRAR, PALAYAM,  
THIRUVANANTHAPURAM, KERALA, PIN - 695034.

SRI THOMAS ABRAHAM-SC;  
SRI RAJIT-SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
14.12.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



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**JUDGMENT**

This matter has some connection to an earlier writ petition, namely W.P.(C)No. 41493/2023, which was considered by this Court and a judgment delivered.

2. Compendiously, the petitioner seeks that he be allowed to enroll himself as an Advocate on the rolls of the Bar Council of Kerala, in the ensuing ceremony on 17.12.2023. He says that he could not apply within time because, the results of his qualifying examinations were delayed by the Kerala University; but that he has now obtained all his Mark Lists, as also Provisional Degree Certificate, which has already been verified by the said University. He, therefore, prays that, as an exceptional case, he be allowed to take part in the enrollment.

3. Sri.Thomas Abraham - learned Standing



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Counsel for the 5<sup>th</sup> respondent - University, submitted that the petitioner's Certificates have been verified and has been found to be genuine.

4. Sri.Pranoy K.Kottaram - learned Standing Counsel for the Bar Council of Kerala, submitted that, as has already been found by this Court in the judgment in W.P.(C)No. 41493/2023, there are several practical impediments standing in the way of his client allowing the petitioner to take part in the enrollment on 17.12.2023. He added that the next enrollment is scheduled on 18.02.2024; and that he can participate in it.

5. However, to a pointed question from this Court, Sri.Pranoy K.Kottaram, conceded that, since the case of the petitioner is different from those in W.P.(C)No.41493/2023 - to the extent that he has obtained the Provisional Degree Certificate, while the latter



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had not - his client is willing to allow him to make a physical application, provided he agrees to the police verification being completed as per the directions of the Hon'ble Supreme Court. He added that, however, this may be clarified not to act as a precedent even in analogous circumstances in future because, more than 200 other candidates are awaiting such an opportunity, though admitting that many of them, or perhaps most of them, have not obtained their Provisional Degree Certificates.

6. I have no doubt that, if the facts seen by this Court in W.P.(C)No.41493/2023 are similar to the ones now projected by the petitioner, then he would not be entitled to any relief. However, one important distinguishing fact between the petitioner's case and in the aforesaid judgment noticed by this Court, is that he has obtained the Provisional Degree



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Certificate; while the petitioners therein had not. Obviously, this Court could not have granted any benefit to the petitioners therein because, verification of the Certificates would have been impossible, coupled with the police verification, as mandated.

In the case at hand, since the petitioner has already obtained the Provisional Degree Certificate and since the learned Standing Counsel for the University affirms that it is a genuine one, I deem it appropriate to allow the prayers of the petitioner as under:

(a) The petitioner will be allowed to make a physical application for enrollment, along with all applicable fees and charges. This shall be accepted by the Bar Council of Kerala before the working hours of today (14.12.2023).

(b) On such application being received, liberty is reserved to the Bar Council of Kerala



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to obtain verification from the Police, as may be necessary; and they will then allow the petitioner to be enrolled on 17.12.2023.

Needless to say, since the directions afore are being issued in the specific factual circumstances involved in this case, they shall not be construed as a precedent in any future matter.

Sd/-

DEVAN RAMACHANDRAN

JUDGE

akv



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APPENDIX OF WP(C) 41733/2023

PETITIONER EXHIBITS

- EXHIBIT P1                    THE TRUE COPY OF THE MARK LIST DATED  
28/05/2015 ISSUED BY THE CBSE
- EXHIBIT P2                    THE TRUE COPY OF THE MARK LIST DATED  
15/05/2017 ISSUED BY THE BOARD OF  
HIGHER SECONDARY EXAMINATION,  
GOVERNMENT OF KERALA
- EXHIBIT P3                    THE TRUE COPY OF THE CONSOLIDATED MARK  
LIST DATED 08/12/2023 ISSUED BY THE  
5TH RESPONDENT TO THE PETITIONER
- EXHIBIT P4                    THE TRUE COPY OF THE PROVISIONAL  
CERTIFICATE DATED 07/12/2023 ISSUED BY  
THE 5TH RESPONDENT
- EXHIBIT P5                    THE TRUE COPY OF THE MESSAGE NOTE FROM  
THE WEB PORTAL OF THE 2ND RESPONDENT
- EXHIBIT P6                    THE TRUE COPY OF THE TRANSFER  
CERTIFICATE DATED 11/12/2023 ISSUED BY  
THE PRINCIPAL, NSS LAW COLLEGE,  
KOTTIYAM TO THE PETITIONER
- EXHIBIT P7                    THE TRUE COPY OF THE COURSE AND  
CONDUCT CERTIFICATE DATED 11/12/2023  
ISSUED BY THE PRINCIPAL, NSS LAW  
COLLEGE, KOTTIYAM TO THE PETITIONER