



2026:KER:42951

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MRS. JUSTICE PREETA A.K.

WEDNESDAY, THE 17TH DAY OF JUNE 2026/27TH JYAISHTA, 1948

W.A.NO.1170 OF 2026
AGAINST THE JUDGMENT DATED 18.05.2026 IN W.P(C).NO.6893 OF 2026
OF HIGH COURT OF KERALA

APPELLANT(S)/PETITIONER IN WP(C):

T.M. MANJU
AGED 43 YEARS
GOWREESANKARAM, UNICHIRA THAIKAVU ROAD,
CHANGAMPUZHA NAGAR P.O., KALAMASSERY, ERNAKULAM.,
PIN - 682033

BY ADV.SRI.O.V.RADHAKRISHNAN (SR.)
BY ADV.SRI.H.VISHNUDAS
BY ADV.SRI.GEORGE VARGHESE

RESPONDENT(S)/RESPONDENTS 1 TO 3 IN WP(C):

- 1 BAR COUNCIL OF KERALA
REPRESENTED BY ITS SPECIAL SECRETARY/SECRETARY-IN-CHARGE,
BAR COUNCIL BHAVAN, HIGH COURT CAMPUS, KOCHI, KERALA,
PIN - 682031
- 2 CHAIRMAN
BAR COUNCIL OF KERALA, BAR COUNCIL BHAVAN,
HIGH COURT CAMPUS, KOCHI, KERALA, PIN - 682031
- 3 ENROLMENT COMMITTEE
REPRESENTED BY ITS CHAIRMAN, BAR COUNCIL OF KERALA,
BAR COUNCIL BHAVAN, HIGH COURT CAMPUS, KOCHI, KERALA,
PIN - 682031

BY ADV.SRI.P.RAMAKRISHNAN
BY ADV.SMT.PREETHI RAMAKRISHNAN (P-212)



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BY ADV.SRI.PRATAP ABRAHAM VARGHESE
BY ADV.SRI.MANOJKUMAR G.
BY ADV.SRI.ASHOK MENON

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON
08.06.2026, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



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“C.R.”**J U D G M E N T****Dr. A.K. Jayasankaran Nambiar, J.**

The writ petitioner in W.P.(C).No.6893 of 2026 is the appellant before us, aggrieved by the judgment dated 18.05.2026 of a learned Single Judge, dismissing her writ petition.

2. The brief facts necessary for disposal of this writ appeal are as follows:

The appellant, who was awarded a Degree of Bachelor of Homeopathic Medicine and Surgery in 2008 by the Kerala University, got herself registered as a medical practitioner in terms of the Travancore-Cochin Medical Practitioners Act, 1953. Her registration as such was continued thereafter under the Kerala State Medical Practitioners Act, 2021 [hereinafter referred to as the “2021 Act”] that replaced the earlier enactment in the State of Kerala. Pursuant to her registration, she engaged herself in practice as a registered Homeopathic medical practitioner and her name continues to be shown in “the list of persons in practice” maintained in accordance with Section 26 of the 2021 Act.

3. While practicing as a registered Homeopath, the appellant decided to pursue a course in Law. She therefore cancelled the licence



issued to her by the local authority to run her Homeopathic clinic and joined a 3 year Unitary LL.B course for the period from 2022 to 2025. After acquiring the LL.B degree, and after clearing the All India Bar Examination, she applied to the Bar Council of Kerala on 17.11.2025 for enrolment as an Advocate. Her application, when referred to the Enrolment Committee for consideration, was not considered by the said Committee because “she had not submitted the cancellation certificate of her Homeopathic registration issued by the Council of Homeopathic Medicine, Kerala State Medical Councils” [Ext.P17 proceedings]. The Committee deferred the consideration of her application to a later date when she was to submit the aforesaid cancellation certificate.

4. Ext.P17 proceedings of the Enrolment Committee was impugned by the appellant in the writ petition *inter alia* on the contention that neither the Advocates Act nor the Bar Council of India Rules or the Bar Council of Kerala Rules contained any statutory provision that enabled the Bar Council of Kerala to deny her an enrolment simply because she had not cancelled her registration as a Homeopath medical practitioner.

5. The learned Single Judge, who considered the matter, found against the appellant *inter alia* by relying on the decisions in **Bar Council of India v. Mary Tresa and Others - [2006 (2) KLT 210]** and **Dr. Haniraj L. Chulani v. Bar Council of Maharashtra & Goa - [(1996) 3 SCC 342]**. In particular, the learned Judge found that the statutory provisions under the Advocates Act and the Bar Council of Kerala Rules



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required the appellant to submit a declaration to the effect that the appellant was not engaged in any other profession, as part of the application process. According to the learned Single Judge, the appellant's continuation in "the List of persons in practice", consequent to her continued registration as a Homeopath medical practitioner under the 2021 Act, deemed her to be a person engaged in the medical profession, and accordingly, she would flout the condition of not engaging simultaneously in two professions if she was enrolled as an Advocate by the Bar Council of Kerala. The learned Judge also found that even the provisions of the 2021 Act created a disability for a registered medical practitioner against following any other profession without the sanction of the Medical Council concerned so long as that person's name continued in the register of "the List of persons in practice". The learned Judge also noticed that under Section 36 of the 2021 Act, no person other than those registered under the said Act could practise or hold himself out, directly or by implication, as practising any of the fields of medicine mentioned therein including Homeopathy. It was on the said reasoning that the learned Single Judge concluded that the appellant, being a registered medical practitioner of Homeopathy, could be denied permission to enroll as an Advocate unless her registration as a Homeopath was cancelled.

6. In the appeal before us, we have heard Sri.O.V.Radhakrishnan, the learned senior counsel, duly instructed by Sri.Vishnudas H., the learned counsel for the appellant and Sri.P.Ramakrishnan, the learned counsel for the Bar Council of Kerala.



7. The submissions of Sri.O.V.Radhakrishnan, the learned senior counsel on behalf of the appellant, briefly stated, are as follows:

- The sole reason cited in Ext.P17 proceedings impugned in the writ petition for non-consideration of the appellant's application for enrolment was the non-production of the cancellation certificate of a Homeopathic registration. It is pointed out that there is no statutory mandate under the Advocates Act and Rules warranting a production of such a cancellation certificate for the purposes of seeking enrolment as an Advocate, and hence, it was not open to the Bar Council of Kerala to have insisted on such a pre-condition for the appellant's enrolment as an Advocate. Relying on the decisions reported in **Mohinder Singh Gill and another v. The Chief Election Commissioner, New Delhi and others - [AIR 1978 SC 851]** and **Chandra Singh and Others v. State of Rajasthan and Another - [(2003) 6 SCC 545]** he would contend that it was not open to the respondents to furnish other reasons for rejecting the application for enrolment, through counter affidavits filed in the writ petition or during the course of arguments, since the merit of the rejection order had to be considered based solely on the reasons mentioned therein.

- It is contended that if the Bar Council of Kerala had any doubt regarding the eligibility of the appellant for enrolment, they ought to have proceeded in terms of Section 26(2) and (3) of the Advocates Act and referred the question to the Bar Council of India for their views. In not



doing so, the Bar Council of Kerala had acted *ultra vires* while processing the application of the appellant for enrolment.

- The finding of the learned Single Judge that a person who has a right to embark upon a particular profession has to be taken as engaged in that profession, and further, that the right to practice a profession that entitles a person to earn a remuneration of profit will render that person as engaged in that profession, is challenged as being without any legislative backing or sanction. It is also contended that the bar against simultaneous engagement in two professions would operate only after the appellant enrolled as an Advocate and not before that when her application for enrolment comes up for consideration.

- Merely because the appellant's name was included in the list of registered Homeopathic medical practitioners, it did not follow that she was actually engaged in such practice, more so when she had cancelled the license issued to her by the local authority for running her clinic and she had undertaken before the Bar Council of Kerala that she would not practice as a Homeopath while she was practicing as an Advocate.

- It is contended that the learned Single Judge could not have read in disqualifications that were not expressed in the regulatory Statute since it is trite that courts cannot read in substantive conditions into a regulatory Statute. Reliance is placed on the decisions reported in **State of Kerala v. Mathai Varghese - [(1986) 4 SCC 746]; Union of India v.**



Deoki Nandan Aggrawal - [(1992) Suppl (1) SCC 323]; Padma Sundara Rao v. State of Tamilnadu - [(2002) 3 SCC 533]; Lanco Anpara Power Ltd. v. State of U.P. - [(2016) 10 SCC 329] and Hariprasad Shivasanker Shukla v. A.D. Divelkar - [AIR 1957 SC 121].

8. Per contra, the learned counsel for the respondent Bar Council of Kerala would rely on the statutory provisions under the Advocates Act and the 2021 Act to point out that there are express provisions under both the regulatory Statutes that are designed to prohibit a simultaneous engagement by a person in both the medical and legal professions and hence the stand of the Enrolment Committee cannot be faulted. He would support the judgment of the learned Single Judge, and submit that the impugned judgment does not warrant any interference.

9. Before we embark upon a consideration of the rival submissions, we deem it apposite to notice the statutory provisions that have a bearing on the issue.

The Kerala State Medical Practitioners Act, 2021

Section 2 (j) & (o):

2: *Definitions.*- In this Act, unless the context otherwise requires,-

xxxxxx xxxxxx xxxxxx

(j) “practitioner” means any person practising in the Modern Medicine or the Indian Systems of Medicine or the Homeopathic Medicine, as the case may be, with a valid registration from the Kerala State Medical Councils;

xxxxxx xxxxxx xxxxxx

(o) “registered practitioner” means a practitioner whose name is entered in the register maintained under this Act from time to time;



CHAPTER 3

REGISTRATION, POWERS AND RESPONSIBILITIES

25. *Registration.*— (1) All applications for registration under section 24 shall be sent direct to the Registrar.

(2) Application for registration under this Act shall be in the prescribed form and accompanied by such fee as prescribed by rules.

(3) Every registered practitioner who applies to the Registrar for registration in respect of any additional recognized qualification obtained shall pay fee as fixed by the Council from time to time.

(4) The Registrar shall place all applications under this section before the committee of the Council concerned, appointed for the purpose, for its report.

(5) The report of the committee under sub-section (4) shall be placed before the Council concerned for its decision.

(6) If the Council concerned allows the registration of the applicant, the Registrar shall enter the name of the applicant in the register concerned and issue him a certificate in such form and containing such particulars as prescribed by rules.

(7) In the case of transfer of registration of a person whose name has been registered on the basis of the primary or additional recognized qualification, as the case may be, under any enactment for the registration of practitioners in Modern Medicine, Indian Systems of Medicine or Homeopathic Medicine for the time being in force in any State in India, shall apply for such a registration in the prescribed form accompanied by such fee as fixed by Council from time to time and registration may be given subject to the scrutiny of documents and the certification from the State Councils concerned.

(8) Any practitioner not registered under this Act or to whom sub-section (7) does not apply but registered in any other State in India shall obtain the registration of the Council concerned for practicing as a medical practitioner for a specific period in the State on applying in such form and on payment of such fee as may be prescribed by rules.

(9) Every practitioner shall renew his registration in every ten years as prescribed by rules.

26. *List of practitioners as on a date to be notified by the Government under this Act.*— (1) The Registrar shall prepare and keep a list called "List of persons in practice" as on the date to be notified by the Government under this section.

(2) Every person registered as per the Travancore-Cochin Medical Practitioners Act, 1953 (Act IX of 1953) shall be deemed to be registered under this Act:

Provided however, that any person whose name has been removed from the registers maintained under the Travancore-Cochin Medical Practitioners Act, 1953 (Act IX of 1953) or the registers maintained under any Act of a State Legislature in India or of the register of any country where he was formerly practising, for professional misconduct, shall not be entitled to have his name entered in the list.



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(3) The provisions of sub-sections (3) and (4) of section 20, section 27 and section 33 shall *mutatis mutandis* apply to the list referred to in sub-section (1).

29. *Removal from registers on application.*— (1) Any practitioner registered under this Act may make an application to the Council concerned for the removal of his name from the register of practitioners and the Council may, on such application, direct such removal:

Provided that no application from such practitioner for the removal of his name from the register shall be considered during the pendency of any disciplinary proceedings against him or in cases where disciplinary proceedings are contemplated against him, until such proceedings are dropped or concluded:

Provided further that if any such application is made with a view to enable the applicant to pursue a course of conduct which would have brought him under the disciplinary jurisdiction of the Council concerned, had his name continued to remain on the register, it shall be rejected.

(2) A practitioner whose name has been removed from the register under sub-section (1) may, on application being made and on payment of such fees as may be prescribed by rules, get himself re-registered, if he is at that time eligible for registration under this Act.

31. *Disabilities.*— (1) No practitioner, other than a qualified registered practitioner who has not undergone a course of practical training in surgery or obstetrics under modern medicine to the satisfaction of the appropriate Council shall practise surgery or obstetrics.

(2) No registered practitioner shall follow any other profession without the sanction of the Council concerned so long as his name continues in the register concerned.

36. *Persons not registered under this Act, etc., not to practice.*— No person other than (i) a registered practitioner or (ii) a practitioner whose name is entered in the list of practitioners published under section 30 or (iii) a practitioner whose name is entered in the list mentioned in section 26 shall practise or hold himself out, whether directly or by implication, as practising Modern Medicine, Homeopathic Medicine or Ayurvedic Medicine, Siddha Medicine or Unani Tibbi medicine, Yoga and Naturopathy or hold any post including teaching posts in any of the medical institutions in Government, public or private sector and no person who is not a registered practitioner of any such medicine shall practise any other branch of medicine unless he is also a registered practitioner of that medicine.

Advocates Act:

24. **Persons who may be admitted as advocates on a State roll.**—(1) Subject to the provisions of this Act, and the rules made thereunder, a person shall be qualified to be admitted as an advocate on a State roll, if he fulfills the following conditions, namely:—

XXXXX XXXXX XXXX

(e) he fulfils such other conditions as may be specified in the



rules made by the State Bar Council under this Chapter;

26. Disposal of applications for admission as an advocate.—(1) A State Bar Council shall refer every application for admission as an advocate to its enrolment committee, and subject to the provisions of sub-sections (2) and (3) and to any direction that may be given in writing by the State Bar Council in this behalf, such committee shall dispose of the application in the prescribed manner:

Provided that the Bar Council of India may, if satisfied, either on a reference made to it in this behalf or otherwise, that any person has got his name entered on the roll of advocates by misrepresentation as to an essential fact or by fraud or undue influence, remove the name of such person from the roll of advocates after giving him an opportunity of being heard.

(2) Where the enrolment committee of a State Bar Council proposes to refuse any such application, it shall refer the application for opinion to the Bar Council of India and every such reference shall be accompanied by a statement of the grounds in support of the refusal of the application.

(3) The enrolment committee of a State Bar Council shall dispose of any application referred to the Bar Council of India under sub-section (2) in conformity with the opinion of the Bar Council of India.

(4) Where the enrolment committee of a State Bar Council has refused any application for admission as an advocate on its roll, the State Bar Council shall, as soon as may be, send intimation to all other State Bar Councils about such refusal stating the name, address and qualifications of the person whose application was refused and the grounds for the refusal.

29. Advocates to be the only recognised class of persons entitled to practise law.—Subject to the provisions of this Act and any rules made thereunder, there shall, as from the appointed day, be only one class of persons entitled to practise the profession of law, namely, advocates.

Bar Council of India Rules:

PART VI RULES GOVERNING ADVOCATES

CHAPTER II

49. An Advocate shall not be a full-time salaried employee of any person, Government, firm, corporation or concern, so long as he continues to practise, and shall, on taking up any employment, intimate the fact to the Bar Council on whose roll his name appears, and shall thereupon cease to practise as an Advocate so long as he continues in such employment.

Resolved and further clarified that as Supreme Court has struck down the appearance by Law Officers in Court even on behalf of their employers the Judgment will operate in the case of all law officers. Even if they were allowed to appear on behalf of their employers all such Law Officers who are till now appearing on behalf of their employers shall not be allowed to appear as advocates. The State Bar Council should also



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ensure that those Law Officers who have been allowed to practise on behalf of their employers will cease to practise. It is made clear that those Law Officers who after joining services obtained enrolment by reason of the enabling provision cannot practise even on behalf their employers.

Resolved that the Bar Council of India is of the view that if the said officer is a whole time employee drawing regular salary, he will not be entitled to be enrolled as an advocate. If the terms of employment show that he is not in full time employment he can be enrolled.]

Bar Council of Kerala Rules:

**Chapter V
ENROLMENT**

(Rules under Section 28(2) and (d) read with Section 24 and 25)

2. Every person applying for enrolment under section 24 of the Act as an Advocate on the roll shall file with the Secretary, the following:

XXXXXX XXXXXXXX XXXXXXXX

(h) A declaration in Form No.6 that the applicant is not in full or part time employment or service and is not engaged in any trade, business or profession except a person who is in part time service as a Professor, Lecturer or Teacher in Law.

12. Disqualification for Enrolment.-

(1) No person shall be admitted as an advocate on the roll,

(a) if he has completed the age of 45 years on the date of application provided that applicant is otherwise qualified under the Advocates' Act and Rules made thereunder.

(b) If he is dismissed, removed or retired compulsorily from the service of any Government, Corporation Statutory body or any, other establishment or other services on a charge of misconduct involving moral turpitude.

10. It will be clear from a perusal of the statutory provisions noticed above, that the statutory scheme under both the regulatory Statutes referred above frowns upon persons carrying on the two professions - medical and legal, simultaneously. The apparent object of the said provisions is to ensure maintenance of the highest professional standards in the profession concerned undiluted through a sharing of commitment and dedication with another equally challenging profession. It is by



keeping in mind the said statutory objective that we must test the legality of the action of the Bar Council of Kerala that insisted upon a cancellation of the appellant's registration certificate under the 2021 Act, as a pre-condition for considering her application for enrolment under the Advocates Act.

11. No doubt, as contended by the learned senior counsel for the appellant, merely because one gets a right to practice a profession, it does not follow that he/she is actually 'engaged' in that profession. Just as a person obtaining a driving licence cannot be deemed as 'engaged' in driving vehicles merely because he has earned a right to do so, obtaining a law degree and passing the bar examination by itself would not deem a person to be 'engaged' as an Advocate. The position would be different, however, if a person holding a professional qualification, goes further and expresses his/her intention to 'engage' in that profession by taking the steps mandated under the regulatory Statutes for the same. Under both the regulatory Statutes in the instant case, the Advocates Act as well as the Kerala State Medical Practitioners Act, that intention is manifested as and when the person concerned takes steps to get his/her name registered as a practitioner and entered in the respective registers containing the list of practitioners. On the facts of the instant case, we find from a reading of the definition of "registered practitioner" and "practitioner" under the 2021 Act, that the registration obtained by the appellant voluntarily, and on her application, entitled her to privileges accorded under the 2021 Act to persons "practicing" Homeopathic medicine. The use of the present



continuous tense while defining a “practitioner” under the Act lends support to the view that a person registered as a medical practitioner under the 2021 Act, and whose name appears in “the List of persons in practice” virtually holds out to the public at large that she is engaged in the practice of Homeopathic medicine. Insofar as the appellant's name continued to be shown in the list of persons in medical practice, her application before the enrolment committee of the Kerala Bar Council, seeking enrolment as an Advocate and for including her name in the list of practicing Advocates was not one that could have been considered by the respondent Bar Council without offending the statutory object and express provisions of the Advocates Act and Rules framed thereunder.

12. We are also not persuaded by the argument of the learned senior counsel for the appellant relying on the decisions in **Mohinder Singh Gill [supra] and Chandra Singh [supra]**, that it was not open to the respondents herein to justify their decision on reasons other than those mentioned in the order impugned in the writ petition. Our reading of Ext.P17 proceedings indicates that the Committee has only deferred the consideration of the appellant's application till such time as she produces a certificate cancelling her Homeopathic registration. That is a stand that we have found to be justified based on the statutory provisions noticed above. There is no order rejecting her application as such.

13. There is yet another aspect of the matter. The Bar Council of Kerala Rules, and in particular, a reading of Rule 2(h) under Chapter V and



Rule 12 therein, reveal that an applicant for enrolment as an Advocate must furnish a declaration in Form No.6 before the Enrolment Committee. The contents of such declaration in Form No.6 is as follows:

FORM No. 6

(Undertaking to be given by the Candidate)

- 1. I do hereby declare that I am not in full or part time employment or services and I am not engaged in any trade, business or profession.
- 2. I do hereby undertake that if after my admission as an advocate, I accept full or part-time service or I am engaged in any trade, business or profession (other that such as is exempted by the Bar Council of Kerala from the operation of this undertaking) I shall forthwith inform the Council of such employment or engagement and shall cease to practise as an Advocate.
- 3. I do hereby undertake that I shall not accept any employment which, in the opinion of the Bar Council, is derogatory to the status of an Advocate.

Date :

Signature of the applicant

In the instant case, the appellant had furnished such a declaration stating therein that she is not currently practicing Homeopathic medicine. In the light of the fact that the appellant continues to be a registered medical practitioner with her name entered in “the List of persons in practice” as mandated under Section 26 of the 2021 Act, the said declaration made by the appellant, along with her application for enrolment, cannot be seen as factually correct. Axiomatically, her application containing such a declaration cannot be seen as a valid one meriting consideration by the respondent Bar Council in terms of Section 26 of the Advocates Act. We are of the view that the appellant cannot, without cancelling her registration as a Homeopathic Medical practitioner, truthfully subscribe to



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a declaration in Form No.6 under the Bar Council of Kerala Rules, that she is not engaged in the medical profession as a Homeopathic medical practitioner. Viewed from another angle, the appellant's was not a case where the bar against simultaneous practice would be attracted only after her enrolment as an Advocate. It was one where, in the light of her continued status as a Homeopathic medical practitioner, she could not prefer a valid application for enrolment as an Advocate.

14. Before parting with this case, we must confess to our inability to fathom the reason for the reluctance on the part of the appellant to cancel her certificate of registration as a Homeopathic medical practitioner, more so in the light of her eagerness and ardent interest to practice as an Advocate. Section 29(2) of the 2021 Act clearly provides for a re-registration as a registered medical practitioner if at some time in the future, she wishes to give up legal practice and return to Homeopathic medical practice. We see no basis for the apprehension expressed on behalf of the appellant that she may not be permitted to re-register under the 2021 Act once she cancels her present registration. On the contrary, a reading of Sections 29 and 31 of the 2021 Act make it abundantly clear that the appellant has to cancel her registration under that Act, if she intends to take up practice in another profession.

The upshot of the above discussion is that we see no reason to interfere with the impugned judgment of the learned Single Judge. Accordingly, for the reasons stated in the said judgment, as supplemented



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by the reasons in this judgment, we dismiss this writ appeal but without any order as to costs.

Sd/-
DR. A.K.JAYASANKARAN NAMBIAR
JUDGE

Sd/-
PREETA A.K.
JUDGE

prp/