



CNR: KAHC010341892024

NC: 2026:KHC:47784
WP No. 16895 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 16895 OF 2024 (GM-RES)

BETWEEN:

1. J SHIVAKUMAR
AGED ABOUT 61 YEARS,
S/O LATE M K JANAKIRAM,
NO.18, GROUND FLOOR,
2ND MAIN ROAD, NETAJINAGAR,
HEBBAL KEMPAPURA,
BANGALORE-560 024.

... PETITIONER

(BY SRI. DIVYA SWAROOP., ADVOCATE)

AND:

1. THE CHAIRMAN
KARNATAKA STATE BAR COUNCIL,
OLD KGID BUILDING,
DR. B R AMBEDKAR VEEDHI,
BANGALORE-560 001.
2. THE BAR COUNCIL OF INDIA,
NO.21 ROUSE AVENUE,
INSTITUTIONAL AREA,
NEW DELHI-110 002.
REP. BY ITS OFFICIATING SECRETARY

... RESPONDENTS

(BY SRI. NATARAJ G., ADVOCATE FOR R1;
SMT. ANUBHA SRIVASTAVA, ADVOCATE FOR R2)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO SET ASIDE THE IMPUGNED ORDER DTD. 19.04.2024 ANNEXURE-E PASSED IN THE PROCEEDINGS OF THE MEETING OF THE ENROLLMENT COMMITTEE OF KARNATAKA STATE BAR COUNCIL BANGALORE (ISSUED TO THE



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PETITIONER ON 22.05.2024) AND DIRECT THE R-1 EQUALLY TO ENSURE THAT THE R-2 ISSUE PERMISSION TO HAVE THE PETITIONER AS AN ADVOCATE.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioner is before this Court seeking for the following reliefs:

"To set aside the impugned order dated 19.04.2024, ANNEXURE-E passed in the proceedings of the meeting of the enrollment committee of Karnataka State Bar Council Bangalore (issued to the Petitioner on 22.05.2024) and direct the Respondent No.1 equally to ensure that the Respondent No.2 issue permission to have the Petitioner as an advocate.

Further pass such other relief/reliefs as this Hon'ble Court deems fit to grant in the facts and circumstances of the case, including cost of the proceedings."

2. The present petition raises an important question concerning the petitioner's eligibility to practise the legal profession under Article 19(1)(g) of the Constitution of India and, consequently, the impact of such denial upon his right to livelihood.
3. The petitioner was born in the year 1963. He completed his SSLC in the year 1980 and II PUC in the year 1982. Thereafter, he appeared for the Staff



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Selection Commission examination for a Group-C post and, having been successful, entered Central Government service on 12.06.1989.

4. The petitioner states that he came to know that the University of Mysore was offering correspondence courses to working professionals who were unable to attend regular classes, including Bachelor's and Master's degree courses subject to the prescribed age requirements. Since the petitioner was above 25 years of age, he applied in the year 1991 for admission to the Master of Arts (M.A.) course offered by the University of Mysore.
5. After obtaining permission from his employer, Doordarshan Kendra, Bengaluru, the petitioner pursued and completed the postgraduate course between 1991 and 1993. A Postgraduate Certificate was thereafter issued to him by the University of Mysore in the year 1993.
6. With a view to enhancing his professional qualifications, the petitioner thereafter sought admission to the three-year LL.B. course conducted by Bangalore University in the year 1994. After obtaining the requisite permission from his employer,



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he secured admission to the first year of the LL.B. course at Havanur College of Law, Bengaluru.

7. It is stated that, at the time of admission, the petitioner furnished his Postgraduate Certificate when the College required a degree certificate for admission to the law course. The College accepted the qualification and admitted the petitioner to the LL.B. course. Subsequently, Bangalore University withheld the petitioner's first-year results on the ground that he had not completed a Bachelor's Degree.
8. The petitioner approached this Court in that regard. According to learned counsel appearing for the petitioner, this Court directed the University to announce the petitioner's result, issue the marks card and permit him to continue his legal education. Learned counsel submits that the said order is presently not available with the petitioner and, consequently, the same could not be placed on record in the present proceedings.
9. Be that as it may, the undisputed position is that the petitioner continued the three-year LL.B. course and completed the same in the year 1997. Bangalore University thereafter conferred the LL.B. degree upon



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the petitioner in the year 1997. The petitioner continued in Government service and did not seek enrolment as an Advocate or commence practice at that stage.

10. The petitioner subsequently superannuated from Government service in July 2023. Thereafter, on 21.09.2023, he submitted an application before respondent No.1-Karnataka State Bar Council seeking enrolment as an Advocate.
11. The Karnataka State Bar Council rejected the petitioner's application on the ground that he did not possess a Bachelor's Degree. Aggrieved by the said rejection, the petitioner is before this Court.
12. The submission of Sri. Nataraj G., learned counsel for respondent No. 1, Karnataka State Bar Council, is that:
 - 12.1. Learned counsel submits that, in terms of Part IV of the Bar Council of India Rules dealing with Legal Education, the petitioner does not satisfy the qualification prescribed for enrolment as an Advocate.
 - 12.2. He refers to Rule 2(vi) of the Rules of Legal Education, 2008 and submits that a Bachelor's



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Degree in Law means and includes a degree in law conferred by a University recognised by the Bar Council of India for the purposes of the Advocates Act. It includes a Bachelor's Degree in Law obtained after a Bachelor's Degree in Science, Arts, Commerce, Engineering, Medicine or any other discipline of a University, following a period of study of not less than three years, or an integrated Bachelor's Degree combining the first Bachelor's Degree in any subject with the Bachelor's Degree in Law, extending over a period of not less than five years after completion of the prescribed pre-university education.

12.3. On this basis, learned counsel submits that possession of a Bachelor's Degree is a prerequisite for admission to the three-year LL.B. course and, consequently, a person who does not possess such a degree could not have validly obtained the law degree.

12.4. Learned counsel further refers to Rule 2(viii) of the Rules of Legal Education, 2008, which defines the expression "first degree". According to the said provision, a first degree means a



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Bachelor's Degree in any branch of knowledge, including Arts, Fine Arts, Science, Commerce, Management, Medicine, Engineering, Pharmacy, Technology and other disciplines, conferred by a University.

12.5. It is therefore submitted that the expression "first degree" used in the Rules necessarily refers to a Bachelor's Degree and that, in the absence of such degree, the petitioner could not have proceeded to obtain a three-year LL.B. degree.

12.6. He refers to Rule 4 of the Rules, which is reproduced hereunder for easy reference:

"4. Law courses

There shall be two courses of law leading to Bachelors Degree in Law as hereunder,

(a) A three year degree course in law undertaken after obtaining a Bachelors' Degree in any discipline of studies from a University or any other qualification considered equivalent by the Bar Council of India. Provided that admission to such a course of study for a degree in law is obtained from a University whose degree in law is recognized by the Bar Council of India for the purpose of enrolment.

(b) A double degree integrated course combining Bachelors' Degree course as designed by the University concerned in any discipline of study together with the Bachelors' degree course in law,



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which shall be of not less than five years' duration leading to the integrated degree in the respective discipline of knowledge and Law together.

Provided that such an integrated degree program in law of the University is recognized by the Bar Council of India for the purpose of enrolment.

Provided further that in the case of integrated double degree course the entire double degree course can be completed in one year less than the total time for regularly completing the two courses one after the other in regular and immediate succession, meaning thereby, that if the degree course in the basic discipline, such as in Arts, Science, Social Science, Commerce, Management, Fine Arts, Engineering, Technology or medicine etc. is of three years' duration of studies, integrated course in law with the basic degree in the discipline could be completed in five years' time but where the degree course in basic discipline takes four or five years, the integrated degree in law with such degree course in the discipline would take one year less for completing in regular time than the total time taken for the two degrees taken separately if completed back to back.

12.7. Referring to Rule 4(a), learned counsel submits that there are two recognised routes for obtaining a Bachelor's Degree in Law. The first is a three-year law course undertaken after obtaining a Bachelor's Degree in any discipline from a University or any other qualification considered equivalent by the Bar Council of India. The second is an integrated course combining the Bachelor's Degree course in any discipline with the Bachelor's Degree in Law.



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- 12.8. His submission is that, since the petitioner did not possess a Bachelor's Degree, he did not satisfy the basic eligibility prescribed for undertaking the three-year LL.B. course and, consequently, could not be enrolled as an Advocate on the strength of the LL.B. degree obtained by him.
13. Smt. Anubha Srivastava, learned counsel for the respondent No.2-Bar Council of India, submits that:
- 13.1. Learned counsel refers to Section 26(2) of the Advocates Act, 1961 and submits that where the Enrolment Committee of a State Bar Council proposes to refuse an application for enrolment, it is required to refer the application to the Bar Council of India for its opinion.
- 13.2. Such reference, according to learned counsel, is required to be accompanied by a statement of the grounds in support of the proposed refusal, and the Bar Council of India is thereafter required to consider the reference and pass appropriate orders within the prescribed period.
- 13.3. Learned counsel therefore submits that, since the State Bar Council rejected the petitioner's application for enrolment, the matter ought to have been referred to the Bar Council of India in accordance with Section 26(2) of the Act.



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14. Having heard learned counsel for the parties and having perused the material on record, the question that arises for consideration is whether the rejection of the petitioner's application solely on the ground that he did not possess a Bachelor's Degree can be sustained without examining the alternative qualification contemplated under Rule 4(a) of the Rules of Legal Education, 2008 and without following the procedure contemplated under Section 26(2) of the Advocates Act, 1961.
15. Rule 4(a) undoubtedly contemplates a three-year degree course in law undertaken after obtaining a Bachelor's Degree in any discipline of study from a University. However, the provision does not stop there. It expressly provides for "any other qualification considered equivalent by the Bar Council of India".
16. The use of the expression "or any other qualification considered equivalent by the Bar Council of India" is significant. The rule itself therefore contemplates that, in an appropriate case, a qualification other than a conventional Bachelor's Degree may be considered equivalent for the purpose of undertaking the three-year law course.
17. In the present case, the petitioner admittedly possesses a Master's Degree in Arts obtained from the University of Mysore in the year 1993. He thereafter pursued and completed the three-year LL.B. course and was conferred



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the LL.B. degree by Bangalore University in the year 1997.

18. This Court is not required, in the present proceedings, to determine whether the Master's Degree possessed by the petitioner is, in fact, equivalent to a Bachelor's Degree for the purposes of Rule 4(a). That determination falls within the domain of the competent authority. What is material is that Rule 4(a) itself contemplates consideration of an alternative qualification by the Bar Council of India.
19. Consequently, the submission that Rule 4(a) mandates possession of a Bachelor's Degree in every case, without permitting consideration of any other qualification, cannot be accepted in that absolute form. The rule itself incorporates an alternative qualification, subject to its being considered equivalent by the Bar Council of India.
20. The statutory scheme under Section 26(2) of the Advocates Act, 1961 assumes significance in this context. Where the Enrolment Committee of a State Bar Council proposes to refuse an application for enrolment, the statute contemplates reference of the application to the Bar Council of India for its opinion, accompanied by a statement of the grounds supporting the proposed refusal.
21. In the present case, the material placed before this Court does not disclose that the State Bar Council, after



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proposing to refuse the petitioner's application, made such a reference to the Bar Council of India. More importantly, the question whether the qualification possessed by the petitioner could be considered within the expression "any other qualification considered equivalent by the Bar Council of India" does not appear to have been placed before the authority to whom the Rules assign the power to consider equivalence.

22. The distinction between eligibility to undertake a law course and eligibility for enrolment as an Advocate also requires to be noticed. The petitioner has already completed the three-year LL.B. course and was conferred the LL.B. degree by Bangalore University in the year 1997. He did not seek enrolment immediately thereafter because he continued in Government service. The application for enrolment came to be made only after his superannuation in July 2023.
23. The fact that the petitioner was admitted to the law course, permitted to complete the course and ultimately awarded the LL.B. degree are important aspects to be considered to determine his eligibility for enrolment. These circumstances cannot simply be disregarded while considering his application, particularly when the petitioner asserts that the issue regarding his qualification had arisen even during the course of his



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legal education and that he was nevertheless permitted to continue and complete the course.

24. The petitioner has stated that, when Bangalore University initially withheld his first-year results on the ground that he did not possess a Bachelor's Degree, he approached this Court and obtained an order directing the University to announce his results, issue the marks card and permit him to continue his education. The order is not available on record and, therefore, this Court does not express any finding on the nature or effect of the said order. Nevertheless, the undisputed subsequent fact remains that the petitioner completed the LL.B. course and Bangalore University conferred the degree upon him.
25. The present case therefore cannot be disposed of merely by recording that the petitioner did not possess a Bachelor's Degree. The competent regulatory authority must necessarily consider the effect of Rule 4(a), the nature of the qualification possessed by the petitioner, the fact that he was permitted to complete the LL.B. course and was awarded the degree, and the statutory scheme governing enrolment.
26. The matter assumes further significance since the petitioner completed his LL.B. degree nearly three decades ago. He continued in Government service thereafter and sought enrolment only upon his superannuation. The rejection of his application now has



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the consequence of preventing him from pursuing the legal profession despite his having obtained a law degree in the year 1997.

27. Unlike many other professions, enrolment with the State Bar Council is a statutory prerequisite for a person to practise as an Advocate. Consequently, rejection of an application for enrolment has a direct bearing upon the petitioner's ability to pursue the profession of his choice. The right to practise a profession is protected under Article 19(1)(g) of the Constitution, subject to reasonable restrictions imposed by law. The legal profession is undoubtedly a regulated profession, and no person can claim an unrestricted right to practise it without satisfying the statutory and regulatory requirements. At the same time, the authorities entrusted with determining eligibility are required to apply the prescribed statutory framework in its entirety.
28. The present matter has been pending before this Court since the year 2024. The petitioner has already superannuated from Government service and seeks to pursue the legal profession thereafter. In such circumstances, the issue ought not to be permitted to remain unresolved merely because the State Bar Council has taken a view without placing the question of equivalence before the authority contemplated under the Rules and the Act.



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29. This Court is conscious that it cannot direct enrolment of the petitioner merely on the basis of the material presently available. The question whether his Master's Degree is to be treated as an equivalent qualification under Rule 4(a), and consequently whether he satisfies the requirements for enrolment, is a matter which must be determined by the competent statutory authority.
30. There is also a larger regulatory aspect involved. The question regarding the interpretation and application of the expression "any other qualification considered equivalent by the Bar Council of India" may arise in the case of other persons who may have pursued and completed a three-year LL.B. course on the basis of qualifications other than a conventional Bachelor's Degree. It is therefore appropriate that the Bar Council of India, being the authority specifically referred to in Rule 4(a), examines the issue and takes a considered decision in accordance with law.
31. In the circumstances, this Court is of the considered opinion that the rejection of the petitioner's application by respondent No.1 cannot be sustained in its present form. The matter requires reconsideration in accordance with Section 26(2) of the Advocates Act, 1961 and Rule 4(a) of the Rules of Legal Education, 2008.



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32. Accordingly, the impugned decision of respondent No.1 rejecting the petitioner's application for enrolment is set aside.
33. Respondent No.1-Karnataka State Bar Council shall reconsider the petitioner's application in accordance with law. If the State Bar Council proposes to refuse the application, it shall comply with the requirements of Section 26(2) of the Advocates Act, 1961 and make an appropriate reference to respondent No.2-Bar Council of India, together with the grounds in support of the proposed refusal.
34. Upon receipt of such reference, respondent No.2-Bar Council of India shall consider the matter in accordance with law, including the applicability of the expression "any other qualification considered equivalent by the Bar Council of India" occurring in Rule 4(a) of the Rules of Legal Education, 2008, and pass an appropriate order as expeditiously as possible and, in any event, within two months from the date of receipt of the reference.
35. As such this Court passes the following:

ORDER

- i) Writ petition is partly ***allowed***.
- ii) The State Bar Council is directed to refer the application of the petitioner for the opinion of the



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Bar Council of India with a statement of grounds in support of the refusal of the application, as also the other aspects considered by the State Bar Council requiring the intervention of the Bar Council of India, which shall be forwarded to the Bar Council of India by 30.10.2026. The Bar Council of India is directed to consider the said reference and pass necessary orders within 60 days thereafter, i.e. by 30.12.2026, considering that the petitioner is a senior citizen.



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(SURAJ GOVINDARAJ)
JUDGE

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