

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

THURSDAY, THE 5TH DAY OF JANUARY 2023 / 15TH POUSHA, 1944

WP(C) NO. 42926 OF 2022

PETITIONER:

MEHARBAN M.H.,
AGED 47 YEARS
W/O.V.B ABDUL SELIM, VELLIEDATH (H), KOOVAKKATTIL,
THOTTAKKATTUKARA P.O.
ALUVA -683108.
BY ADVS.
VARUN C.VIJAY
DIVYA CHANDRAN

RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF HIGHER EDUCATION (L), SECRETARIAT,
THIRUVANANTHAPURAM-695001.
- 2 DIRECTOR OF TECHNICAL EDUCATION,
DIRECTORATE OF TECHNICAL EDUCATION, PADMAVILASAM
ROAD, FORT, PAZHAVANGADI, THIRUVANANTHAPURAM-695023.
- 3 COMMISSIONER OF ENTRANCE EXAMINATIONS,
OFFICE OF THE COMMISSIONER OF ENTRANCE EXAMINATIONS,
5 TH FLOOR, KSHB BUILDINGS, SANTHI NAGAR,
THIRUVANANTHAPURAM-695001.
- 4 REGISTRAR, MAHATMA GANDHI UNIVERSITY,
PRIYADARSHINI HILL POST, UNIVERSITY CAMPUS ROAD,
ATHIRAMPUZHA, KOTTAYAM -686560.
- 5 PRINCIPAL, SREE NARAYANA LAW COLLEGE,
POOTHOTTA, POOTHOTTA P.O, ERNAKULAM-682307.
- 6 CHAIRMAN, BAR COUNCIL OF INDIA,
21/ ROUSE AVE INSTITUTIONAL AREA ROAD,
NEAR BAL BHAWAN, MANDI HOUSE, NEW DELHI-110002.
SRI.RAJITH - SC
SRI.HARIKUMAR
SMT.PARVATHY K. - GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
05.01.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner seeks admission to five year LL.B. course, in Sree Narayana Law College, Poothotta - of which the 5th respondent is the Principal. She asserts that even though she is fully qualified, she has been denied the seat, even though it is vacant, on the ground that her qualification is not equivalent to the one prescribed by the Bar Council of India.

2. Sri.Varun C.Vijay - learned counsel for the petitioner, today pointed out that, pending this *lis*, Bar Council of India has brought out a Circular, granting equivalency to the qualification of three year Diploma/Polytechnic course viz-a-viz the Plus Two certificate course for admission to the 5 year integrated LL.B. course. He argued that, therefore, nothing remains in this writ petition, since it is now for the 5th respondent - Principal of the College, to consider his client's case in terms of law and the afore mentioned Circular.

3. Sri.Rajith - learned Standing Counsel appearing for the Bar Council of India, affirmed that his client has issued the afore mentioned Circular and that, as matters now stand, the petitioner's claim can be considered by the Principal, subject to all other requirements being satisfied.

4. Sri.Harikumar - learned counsel appearing for the Principal of the College, submitted that no fault can be attributed to his client, because the afore mentioned Circular has been issued only recently. He submitted that if this Court is so inclined, the Principal is willing to consider the claim of the petitioner, along with any others, subject to the approval of the 3rd respondent - Commissioner for Entrance Examinations.

5. Smt.Parvathy K. - learned Government Pleader, submitted that the 3rd respondent - Commissioner has no objection in the Principal considering the petitioner's claim, provided it is done as per law and without violating the principles of merit, in view of the new Circular now issued by the Bar Council of India.

Taking note of the afore submissions and since there does not appear to be any dispute as regards the qualification of the petitioner, I allow this writ petition and direct the 5th respondent - Principal of the College, to consider her claim for admission to the available vacancy, subject to any directives that may be issued with respect to it by the 3rd respondent - Commissioner for Entrance Examinations; and to complete proceedings as expeditiously as is possible, but not later than one week from the date of receipt of a copy of this judgment.

Needless to say, questions relating to attendance and such other allied matters qua the petitioner, if she is granted admission, are left open to be impelled in future, if it becomes so warranted.

Sd/ -

DEVAN RAMACHANDRAN

JUDGE

MC/5.1

APPENDIX OF WP(C) 42926/2022

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE RELEVANT PART OF THE PROSPECTUS FOR ADMISSION TO THE FIVE YEAR LL.B COURSE -2022 ISSUED BY THE 3RD RESPONDENT.
- Exhibit P2 TRUE COPY OF THE CANDIDATE'S DATA SHEET ISSUED BY THE 3RD RESPONDENT.
- Exhibit P3 TRUE COPY OF THE NOTIFICATION DATED 20.12.2022 ISSUED BY THE 3RD RESPONDENT ALONG WITH THE PROBABLE LIST PUBLISHED ALONG WITH IT SHOWING THE RANK OF THE PETITIONER.
- Exhibit P4 TRUE COPY OF THE LETTER DATED 27.12.2022 ISSUED BY THE 5TH RESPONDENT TO THE PETITIONER.
- Exhibit P5 TRUE COPY OF THE LETTER NO AS-AI-3/305-86 DATED 19.2.1986 ISSUED BY THE 4TH RESPONDENT.
- Exhibit P6 TRUE COPY OF THE LETTER DATED 21.10.2022 ISSUED BY THE 2ND RESPONDENT TO THE 1ST RESPONDENT.
- Exhibit P7 TRUE COPY OF THE STATEMENT DOWNLOADED FROM THE OFFICIAL WEBSITE OF THE BAR COUNCIL OF INDIA.