



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29<sup>TH</sup> DAY OF JANUARY, 2024

BEFORE

**THE HON'BLE MR JUSTICE ASHOK S.KINAGI**

**WRIT PETITION NO. 11806 OF 2020 (GM-RES)**

**BETWEEN:**

...PETITIONER

(BY SRI. H L PRADEEP KUMAR, ADVOCATE)

**AND:**

1. KARNATAKA STATE BAR COUNCIL  
BY ITS SECRETARY,  
HIGH COURT BUILDING,  
DR. AMBEDKAR VEEDHI,  
BANGALORE- 560001

2. BAR COUNCIL OF INDIA  
BY ITS SECRETARY, 21,  
ROUSE AVENUE,  
INSTITUTIONAL AREA,  
NEW DELHI- 110002

...RESPONDENTS

(BY SRI. NATARAJ G., ADVOCATE FOR R1  
SRI. SRIDHAR PRABHU, ADVOCATE FOR R2)





THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO-CALL FOR THE RECORDS RELATING TO, CONCERNING AND CONNECTED WITH THE IMPUGNED ORDER/DECISION IN RESPECT OF PETITIONER-SRI SHELHAN SHRIPPAUL DATED 06.11.2019 ANNEXURE-K PASSED BY THE R-1, PERUSE THE SAME AND DECLARE AND QUASH THE SAID ORDER AS ILLEGAL, ARBITRARY AND UNSUSTAINABLE IN LAW AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, THE COURT MADE THE FOLLOWING:

### **ORDER**

This petition is filed by the petitioner being aggrieved by the order dated 06.11.2019, passed by respondent No.1, vide Annexure-K.

2. Brief facts leading rise to filing of this petition are as under:

The petitioner was a Government servant appointed as a Typist in Principal Civil Judge (Sr.Dn.) & CJM, Bidar and retired as an Assistant Registrar. The petitioner while working as a typist at Bidar, desired to prosecute LLB



course and submitted an application seeking permission to pursue higher studies. The Principal District & Sessions Judge, Bidar granted permission to the petitioner to prosecute higher studies. Pursuant to the permission granted by the Principal District & Sessions Judge, Bidar, the petitioner joined R.V.Bidap Law College, Bidar for 3 years LLB course in the year 2000 which was affiliated to Gulbarga University. The petitioner passed 3 years LLB course and Gulbarga University issued Provisional Degree Certificate and Convocation Certificate. The petitioner retired from service on 30.06.2018. The petitioner approached respondent No.1 to enroll himself as an advocate by making proper representation along with the relevant documents. The respondent No.1 issued the impugned endorsement dated 06.11.2019, stating that the petitioner cannot be enrolled with the respondent No.1 and application cannot be considered. In the said decision, respondent No.1 has referred to the communication dated 25.09.2014, issued by respondent No.2 addressed to the Secretary, Bar Council of



Karnataka, Bengaluru, wherein as per the Special Committee Meeting Resolution dated 29.09.2014, some guidelines were issued in respect of Legal Education Rules 2008. According to the guidelines, those students who have admitted to the law course prior to 14.09.2008, are eligible for enrolment, irrespective of Bar Council of India Rules. The petitioner aggrieved by the decision dated 06.11.2019, vide Annexure-K has filed this writ petition.

3. Heard learned counsel for petitioner and learned counsel for the respondents No.1 and 2.

4. Sri. H.L.Pradeep Kumar, learned counsel for the petitioner submits that the petitioner obtained permission from the Principal District & Sessions Judge, Bidar for pursuing higher studies and joined R.V.Bidap Law College and attended the classes and appeared for examinations and cleared all the subjects in 3 years LLB course. The Gulbarga University issued Provisional Degree Certificate and Convocation Certificate. He retired from service on 30.06.2018. Thereafter he approached the respondent



No.1 and submitted an application for enrollment as an advocate. The respondent No.1 refused to enroll the petitioner as an advocate on the ground that as on the date of joining 3 years LLB course in the year 2000-2003, he was in employment and he has not produced any document to show that he was on leave while he was pursuing his LLB course. Hence he submits that when the University has not raised any objection in regard to the eligibility and permitted the petitioner to take LLB examinations and issued Provisional Degree Certificate and Convocation Certificate, respondent No.1 has no right to question the degree certificate issued by the University. He submits that the respondent No.1 has not challenged the Provisional Degree Certificate issued by the Gulbarga University. Hence he submits that respondent No.1 has committed an error in passing the impugned order / decision vide Annexure-K. Hence on these grounds he prays to allow the writ petition.



5. Per contra, Sri. Sridhar Prabhu, learned counsel for respondent No.2 submits that admittedly as on the date of joining LLB course, the petitioner was employed in the judicial department and he has not submitted any documents to show that he has attended the classes conducted by the college. The petitioner is not eligible for enrollment as an advocate as he has not attended the classes and he submits that the respondent No.1 has rightly rejected the application of the petitioner. Hence on these grounds he prays to dismiss the writ petition.

6. Sri. Nataraj G., learned counsel for respondent No.1 adopts the arguments of learned counsel for respondent No.2.

7. Perused the records and considered the submissions made by learned counsel for the parties.

8. It is not in dispute that in the year 2000 the petitioner was serving in the judicial department and the petitioner desired to prosecute LLB course. The petitioner



submitted an application to the Principal District & Sessions Judge, Bidar seeking permission to prosecute LLB degree course. The Principal District & Sessions Judge, Bidar vide order dated 19.09.2000, granted permission to prosecute LLB degree to the petitioner and other officials, vide Annexure-D. Pursuant to the permission granted by the Principal District & Sessions Judge, Bidar, the petitioner joined law college at Bidar and appeared for the exams conducted by Gulbarga University. The petitioner passed all subjects of 3 years LLB course. As could be seen that no such dispute or objection has been raised either by the college or by the University. College and University permitted the petitioner to appear for the examination conducted by the University and also issued admission card. The college as well as University indicates that the petitioner had fulfilled all the required criteria for appearing in the examinations in terms of the rules applicable at the relevant point of time. When University has issued the Provisional Degree Certificate and Convocation Certificate to the petitioner, there is a



presumption of eligibility of the candidate to be conferred the certificate. It is not for any other authority to question the certificate on the ground of ineligibility to obtain the certificate, until and unless the certificate is cancelled by an appropriate authority and/or by a Court of law. To hold otherwise would be to open the pandora's box, for years later certificates might be questioned on grounds such as shortage of attendance, failure to clear internal tests, examinations and the like and it would be impossible for candidates possessing the degree and/or certificate to adduce cogent materials to satisfy those questioning the certificates. Admittedly in the instant case, the petitioner has joined the law course and appeared for the exams conducted by the Gulbarga University and passed in all the subjects of LLB course. The Gulbarga University issued a Provisional Degree Certificate and Convocation Certificate. The Gulbarga University was established by a statute, recognized by the University Grants Commission, approved affiliated Centre of Legal Education / Departments of recognized University as approved by the





Bar Council of India for the purpose of enrollment. The observation made by the Bar Council which has resulted in rejection of petitioner's application is unsustainable.

9. In identical matter, the Co-ordinate Bench of this Court in the case of **PRAVIN KISHORE PRASAD VS. THE CHAIRMAN, KARNATAKA STATE BAR COUNCIL** in W.P.No.14924/2020, disposed of on 19.04.2021, allowed the writ petition and quashed similar order passed by the respondent No.1. The respondent No.1 aggrieved by the order passed in the aforesaid writ petition, preferred an appeal in W.A.No.1069/2021. The Division Bench vide order dated 15.02.2022, dismissed the writ appeal filed by respondent No.1. The issue involved in this case is squarely covered by the order of the Co-ordinate Bench of this Court in the case of **PRAVIN KISHORE PRASAD (SUPRA)**. I concur with the order passed by the co-ordinate bench in the afore said writ petition. In view of the above discussion, I proceed to pass the following:



ORDER

The writ petition is allowed.

The decision/order dated 06.11.2019, vide Annexure-K, passed by respondent No.1 is quashed. Respondents are directed to consider the petitioner's request for enrollment afresh, expeditiously.

SD/-  
JUDGE

RD