

Akhil S.Kumar Vs Bar Council Of India

Court: High Court Of Kerala

Date of Decision: Dec. 14, 2023

Hon'ble Judges: Devan Ramachandran, J

Bench: Single Bench

Advocate: B.Mohanlal, Aswin V. Nair, P.S.Preetha, Thomas Abraham, Rajit

Judgement

Devan Ramachandran, J

1. 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 A., Abraham A., A., learned A., Standing Counsel for the 5th respondent A., University, submitted that the petitioner's Certificates

have been verified and has been found to be genuine.

4. Sri.Pranoy K.Kottaram A., 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 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 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 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.