

**IN THE COURT OF JUDICATURE OF BOMBAY
(APPELLATE SIDE)**

**(Rule 4(c) OF THE BOMBAY HIGH COURT
PUBLIC INTEREST LITIGATION RULES 2010)**

DISTRICT: MUMBAI

PIL PETITION NO. OF 2016

In the matter of Articles 12, 14,
19 (1) (g), 21 and 226 of the
Constitution of India;

AND

In the matter of Rule 28 of
Schedule III of Legal Education
Rules, 2008;

AND

In the matter of Sections 7 (h) &
(i), 24 (1) (c) (iii) & (iiia), 49 (1)

(af) (ag), & (d) of the Advocates Act, 1961;

AND

In the matter of Circular dated 17.09.2016 issued by the Joint Secretary, Bar Council of India;

AND

In the matter of notice dated 26.09.2016 issued by the Commissioner, Common Entrance Test Cell, Mumbai.

Student Law Council
Through its President,
Shri. Sachin Bajirao Pawar,
Age: 21 years, Occ: Education,
R/o: B/79, Parshuram Nagar,
G D Ambedkar Marg,
Kala Chowky,
Mumbai- 400069.
Pan No.AXRPP8458R
(issued by the Government of India)
Mob- 9422210552

..... **PETITIONER**

VERSUS

1. The State of Maharashtra,
(Through its Secretary),
Higher and Technical Education Department,
Mantralaya, Mumbai-400032.
2. Bar Council of India,
(Through its Joint Secretary),
21, Rouse Avenue Institutional Area,
Near Bal Bhawan, New Delhi, Delhi 110002.
3. State Common Entrance Test Cell,
(Through its Commissioner),

305, Government Polytechnic Building,
49, Kherwadi, Bandra(E),
Mumbai-400051.

4. The Director,
Directorate of Technical Education,
MS, Mumbai **RESPONDENTS**

PUBLIC INTEREST LITIGATION

**TO,
THE HONOURABLE THE CHIEF JUSTICE
AND THE OTHER PUISNE JUDGES OF THE
HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.**

**THE HUMBLE PETITION OF THE
PETITIONER ABOVE NAMED.**

MOST RESPECTFULLY SHOWETH:

**A) PARTICULARS OF THE CAUSE/ORDER AGAINST
WHICH THE PETITION IS MADE.**

1. The petitioner being aggrieved by the Circular dated 17.09.2016 issued by the Joint Secretary, Bar Council of India, thereby, reviving Rule 28 of Schedule III of Legal Education Rules, 2008 which deals with age restriction for taking admission in Law course. As per Rule 28, upper age limit for admission in LL.B three year course is 30 years and for LL.B five year course is 20 years. All Universities and Colleges are informed by this circular to comply with the provision of Rule 28.
2. The Rule 28 of Schedule III of Legal Education Rules, 2008 creates an artificial distinction

between students below the age of 30 years and above the age of 30 years so far as the eligibility to law courses is concerned.

B) PARTICULARS OF THE PETITIONER:

1. The petitioner is council of law students registered under the Registration of Societies Act and the Bombay Public Trust Act which is evident from its certificate of registration, copy of which is annexed herewith and marked at **EXHIBIT-“A-1”**.
2. The petitioner Council is imparting and promoting legal education, legal aid and curbing injustice so also dealing with the problems of the law students. The petitioner is acting as *pro bono publico*.
3. The petitioner is espousing a social and public cause of seeking declaration that the Rule 28 of Schedule III of Legal Education Rules, 2008 is ultra-vires Article 14, 19(1)(g) and 21 of the Constitution of India by way of present PIL petition which is evident from the resolutions of the petitioner council in that regard, copy of which is annexed herewith and marked at **EXHIBIT-“A-2”**.
4. The petitioner is having movable as well as immovable properties in Mumbai. The petitioner Council has no criminal antecedents and no criminal case is/are either filed or are pending

against them. The petitioner is espousing public cause and, therefore the present petition is maintainable.

C) DECLARATION AND UNDERTAKING OF THE PETITIONER:

1. Present petition is filed by way of Public Interest Litigation (PIL) and the petitioner does not have any personal interest in the subject matter of PIL. The petitioner Council is neither a political entity nor is affiliated to any of the political parties. The present petition is filed seeking declaration that the Rule 28 of Schedule III of Legal Education Rules, 2008 as ultra-vires Article 14, 19(1)(g) and 21 of the Constitution of India.
2. The entire litigation costs, including the Advocate's fees and other charges are being borne by the petitioner.
3. The petitioner has made necessary enquiries and in a way done a thorough research in the matter raised through this PIL. The petitioner has collected necessary information from the respective offices under RTI and other local sources.
4. The petitioner is working in the interest of public at large. In order to seek declaration that the Rule 28 of Schedule III of Legal Education

Rules, 2008 is ultra-vires Article 14, 19(1)(g) and 21 of the Constitution of India, the petitioner as well as its member have approached the respondents so also made several oral representations and brought the aforesaid facts to the notice to them.

5. The petitioner had understood that in the course of hearing of this petition the Court may require any security to be furnished towards costs or any other charges and the Petitioners shall have to comply with such requirements.

D) FACTS IN BREIF, CONSTITUTING THE CAUSE ARE AS FOLLOWS:

1.The petitioner is council of law students registered under the Registration of Societies Act and the Bombay Public Trust Act.

2.The petitioner submits that thousands of students appeared for the Maharashtra Law CET in June 2016, and most of them have been admitted to the law colleges in Maharashtra vide the CAP rounds. However, due to the circular issued by BCI on 17.09.2016, the candidates above the age of 30 years would be considered ineligible. The petitioner challenges the same by way of this petition.

3. The petitioner submits that following is timeline of the schedule of MAH-LL.B- 3 years CET through which all the admissions to undergraduate law courses in the State of Maharashtra have been administered this year:

Sr. No.	Procedure of MAH CET	Important Dates
1.	Notification regarding introduction of CET	04.12.2015
2.	Online Application Form Availability	From 10.05.2016
3.	Last Date for filling online Application Form	03.06.2016
4.	Hall Ticket Availability	09.06.2016
5.	Date of Common Entrance Test for five years course.	18.06.2016
6.	Date of Common Entrance Test for three years course.	19.06.2016
7.	Declaration of Result	29.06.2016
8.	Final Merit list	23.08.2016
9.	Counselling: I round	09.09.2016 to 12.09.2016
10.	Allocation of colleges – I round	14.09.2016

4. The petitioner submits that most of the law aspirants had registered online for the Higher Departments' MAH-LL.B-3 Yrs/5yrs.-2016 CET as there was no criteria of age-limit and had also

received registration numbers from the respondent No. 3.

5. The petitioner submits that most of the law aspirants had appeared for Higher Departments' MAH-LL.B-3 Yrs/5 yrs.-2016 CET which was held on 19.06.2016, conducted by the respondent No. 3 and most of the candidates reported as well as discussed with the petitioner that they are in trouble due to the impugned circular dated 17.09.2016. To cite an example, one Shri. Rajat Prabhakar, aged 40 years appeared for Law CET and has scored 96 marks out of 150, said score is valid for admission to LL.B-3 yrs. course for the academic year 2016-2017, which is evident from the copy of score card annexed herewith and marked at **EXHIBIT-"A"**.

6. The petitioner submits that Shri. Rajat Prabhakar has filled online option form on 06.09.2016 for CAP round- I/II/III for admission to First Year of LL.B 3 years course for the Academic Year 2016-2017 from open category which is evident from the acknowledgement of option form, copy of which is annexed herewith and marked at **EXHIBIT-"B"**.

7. The petitioner submits that Shri. Rajat Prabhakar was allotted Shri Vile Parle Kelavani Mandal's

Jitendra Chauhan College of Law, Mumbai in CAP Round-I which is evident from the provisional allotment list of CAP Round-I for LL.B-3 year course 2016-2017 published on 14.09.2016 by State Common Entrance Test Cell, Government of Maharashtra, copy of which is annexed herewith and marked at **EXHIBIT-“C”**.

8. The petitioner submits that the said candidate received letter of provisional admission dated 14.09.2016 issued by the Commissioner and Competent Authority, State Common Entrance Test Cell, Mumbai which stated that he is provisionally admitted to LL.B-3 year course 2016-2017 in the Shri Vile Parle Kelavani Mandal's Jitendra Chauhan College of Law and he should report College on or before 19.09.2016. A copy of letter dated 14.09.2016 is annexed herewith and marked at **EXHIBIT-“D”**.

9. The petitioner submits that the Principal, Shri Vile Parle Kelavani Mandal's Jitendra Chauhan College of Law, Mumbai issued a notice dated 23.09.2016 thereby stating that students allotted seats through CAP will have to submit printout of admission form alongwith necessary documents which included Domicile Certificate indicating

Nationality/ undertaking on non-judicial stamp paper of Rs. 100/- to effect that candidate will produce the Certificate of Nationality before completion of CAP Round 3 from date of provisional admission. A copy of notice dated 23.09.2016 is annexed herewith and marked at **EXHIBIT-“E”**.

10. The petitioner submits that in furtherance of the said allotment and notice the said candidate applied to the Shri Vile Parle Kelavani Mandal's Jitendra Chauhan College of Law, Mumbai which is evident from the copies of application forms annexed herewith and marked at **EXHIBIT-“F”** collectively.

11. The petitioner submits that the Commissioner, Common Entrance Test Cell, Mumbai issued a notice dated 26.09.2016, thereby, stating that provisional admission granted by the College will only be confirmed if the Certificate of Nationality is furnished to the College by the candidate within three months from the date of admission, failing to which the admission shall stand automatically cancelled. A copy of notice dated 26.09.2016 is annexed herewith and marked at **EXHIBIT-“G”**.

12. The petitioner submits that said condition of production of Certificate of Nationality is itself arbitrary, discriminatory and violative of the Fundamental Right of an individual to undertake Legal Education. The implication of the notice is such that even if the candidate is qualified and eligible for course his admission will be cancelled merely on the ground of non-production of Certificate of Nationality.

13. The petitioner submits that meanwhile, the Bar Council of India through its Joint Secretary issued a Circular dated 17.09.2016 reviving Rule 28 of Schedule III of Legal Education Rules, 2008 which deals with age restriction for taking admission in Law course. As per Rule 28, upper age limit for admission in LL.B three year course is 30 years and for LL.B five year course is 20 years. All Universities and Colleges are informed by this circular to comply with the provision of Rule 28. A copy of circular dated 17.09.2016 is annexed herewith and marked at **EXHIBIT-“H”**.

CIRCULAR VIOLATIVE OF ARTICLE 14

14. The petitioner submits that the Rule 28 of Schedule III of Legal Education Rules, 2008 creates an artificial distinction between students below the

age of 30 years and above the age of 30 years so far as the eligibility to law courses is concerned.

15. The only classification permissible under Article 14 is that having an intelligible differentia and rational nexus with the object of differentiation. Creation of two classes of students one below the age of 30 years and one above the age of 30 years to determine eligibility to the 3 year LLB Course does not satisfy the touchstone of intelligible differentia or rational nexus.

16. There is no rational object in adversely classifying the students above the age of 30 years and holding them as ineligible for undertaking the 3-year law course even if they meet the requirements on merit. The law cannot make such arbitrary distinctions based on age.

17. The petitioner submits that Rule 28 of Schedule III of Legal Education Rules, 2008 was struck down and held as arbitrary and violative of Article 14 of the Constitution of India by this Hon'ble Court which is evident from the judgment and order dated 22.01.2015 passed by this Hon'ble Court in PIL No. 18 of 2009, copy of which annexed herewith and marked at **EXHIBIT-"I"**.

18. The petitioner submits that Colleges and Universities in Maharashtra are bound by this decision of Bombay High Court.

19. The petitioner submits that Punjab and Haryana High Court in CWP No. 20966 of 2010 and other connected Petitions vide judgment and order dated 20.10.2011 held that the Rule 28 is beyond legislative competence of the Bar Council of India and at the same time is arbitrary and irrational.

CIRCULAR VIOLATION OF ARTICLE 19 AND 21

20. The right to acquire legal education and to be legally literate is a basic fundamental right of every citizen of India as ignorance of law is not considered a defence in the Court of law, one cannot be denied an opportunity from undertaking legal education.

21. Courses in legal education cannot be equated with other professional courses, as legal literacy is essential for the very survival of an individual.

22. Further, in any case if any person who is otherwise meritorious and eligible to undertake education cannot be denied the opportunity to do so. At the very best, the Bar Council of India could

have introduced threshold for enrollment in the Bar to maintain standards of legal service in the country. Thus, 'age' cannot be criterion of eligibility for pursuing legal education.

23. The Petitioner submits that the said Rule 28 is per se bad in law, violative of the fundamental rights to undertake legal education guaranteed under the Constitution of India more specifically Article 21 and thus void ab initio and the same is being used as barrier and to deprive interested person of his Fundamental Right guaranteed to him and the same cannot be taken away at the whims and fancies of the respondent No.2.

24. The Petitioner states that the opportunity to obtain legal education and develop one's advocacy skills to be able to join the profession which makes the highest intelligentsia in the country, cannot be denied to meritorious students, as it would amount to depriving them of an opportunity to better their lives.

CIRCULAR VIOLATIVE OF DOCTRINE PROMISSORY

ESTOPPEL

25. The petitioner submits that the circular reintroducing Rule 28 is thus ultra-vires the

Constitution and deserves to be struck down. In arguendo, even if the constitutionality of the Circular dated 17.09.2016 is upheld, the same cannot be applicable for academic year 2016-2017.

26. The petitioner submits that it has been held in a catena of Supreme Court judgments that the doctrine of promissory estoppel mandates that if a promise is made and it is significant enough to cause promisee to act upon it and promisee has in fact relied upon such promise and suffered a significant detriment, then promisor is bound by the promise so made.

27. The petitioner submits that no requirement regarding age-limit as a criterion for eligibility to the law course was made known either through Government Resolution regarding the eligibility criterion or the CET Cell Brochures with regards to the admission process or any circular by the BCI anytime before 17.09.2016, i.e. after II CAP rounds for allotment of law college seats to students who have cleared the CET. A copy of the G.R. dated 11.03.2016 is annexed herewith and marked at **EXHIBIT-“J”**.

28. The petitioner submits that the most of the law aspirants have already been admitted for

the Course of LL.B and procedure for applying to the said course had commenced way back on 04.12.2015 i.e. nearly 10 months prior to the issuance of Circular dated 17.09.2016.

29. The petitioner submits that most of the law aspirants applied for CET on the basis of G.R. dated 04.12.2015, on 11 May, 2016 by making payment of the requisite application fees. Thereafter most of the law aspirants have purchased books, taken out time from their busy schedule to study for the examination and managed to score good marks, and get an admission in the law Colleges.

30. All procedures for admission have been completed and classes would soon commence. Now at such a belated stage, the Bar council of India cannot cancel the admissions of students by applying a rather arbitrary age based eligibility criterion.

31. Thus alternatively, even if the rule is to be made applicable, it can so be done only for next academic year. The Bar Council of India cannot deny/ cancel the admissions conducted this year as it is estopped from doing so.

32. The petitioner submits that nearly 26,000 appeared for exam whereas only 23,000 names

appear in the final merit list of the 3-year and 5-year undergraduate law courses, as is evident from the merit lists uploaded by the CET Cell on the website - <llb3.mhpravesh.in> as well as the statements made by the Government before the Hon'ble High Court in the matter of **Shalini Kotian v. State of Maharashtra in WP No. 6608 of 2016** as is evident from the judgment and order dated 05.07.2016, more particularly paragraph 34 thereof . Copies of chart and extracts of final merit list showing the number of students in the merit list as well as the judgment and order dated 05.07.2016 in the matter of **Shalini Kotian v. State of Maharashtra in WP No. 6608 of 2016** are annexed herewith and marked as **Exhibit "K" collectively**.

INAPPLICABILITY OF THE MADRAS HIGH COURT

JUDGMENT

33. The petitioner submits that withdrawal of Rule 28 was challenged before Madurai Bench of the Madras High Court in **Writ Petition No. 9533 of 2015** and withdrawing of the said Rule 28 was quashed vide judgment and order dated 07.08.2015 for reasons as set out therein mainly being that in order to maintain the legal standards and quality of

legal education, the said impugned Rule 28 be brought into effect. A copy of judgment and order dated 07.08.2015 is annexed herewith and marked at **EXHIBIT-“L”**.

34. The petitioner submits that the said judgment and order dated 07.08.2015 was challenged by the Bar Council of India and another, in Apex Court and same came to be dismissed with reason that no ground for interference is made out, in exercise of jurisdiction under Article 136 of the Constitution of India. A copy of judgment and order dated 11.12.2015 is annexed herewith and marked at **EXHIBIT-“M”**.

35. The Madras High Court judgment has not considered the issue of intelligible differential and violation of Article 14 and is at the same time per-incurium being in ignorance of the fundamental right to legal literacy and the Supreme Court judgment in the matter of **Indian Council of Legal Aid & Advice v. Bar Council of India** reported in (1995) 1 SCC 732.

36. The Madras HC is in contravention to the Apex Court judgment in the matter of **Indian Council of Legal Aid & Advice v. Bar Council of India** reported in (1995) 1 SCC 732 which

unequivocally holds that age as an eligibility criterion for enrollment is arbitrary and violative of Article 14.

37. The Supreme Court was considering a challenge to the provision of bar to enrolment of persons who have completed 45 years of age was challenged. The rationale for the rule was to maintain the dignity and purity of the profession. It was held that this rule is clearly discriminatory, unreasonable and arbitrary as the choice of the age of 45 years is made keeping only a certain group in mind ignoring the vast majority of other persons who were in the service of Government or quasi-Government or similar institutions at any point of time. Thus, impugned rule violates the principle of equality enshrined in Article 14 of the Constitution and was struck down. A copy of judgment and order in the matter of **Indian Council of Legal Aid & Advice v. Bar Council of India** reported in (1995) 1 SCC 732 is annexed herewith and marked at **EXHIBIT-“N”**.

38. The petitioner submits that the respondent No.2 is blowing hot and cold at a time by issuing circular dated 17.09.2016 thereby making upper age limit for admission in LL.B three

year course as 30 years and for LL.B five year course as 20 years and on other hand sought replies from the Vice Chancellor of the law universities seeking opinions in respect of relaxing age criteria for the CLAT exam aspirants who are more than 21 years old in age vide communication dated 18.02.2015, copy of which is annexed herewith and marked at **EXHIBIT-“O”**

39. Being aggrieved by the impugned notice dated 26.09.2016 issued by the Commissioner, Common Entrance Test Cell, Mumbai and the Circular dated 17.09.2016 issued by the Joint Secretary, Bar Council of India, the petitioner society challenges the validity, legality and correctness of the same amongst others on the following grounds:

GROUND

- I. The Rule 28 is arbitrary as it introduces an invidious classification by dividing one class of students into two artificial and irrational classes by prescribing the maximum age for admission to Law courses.
- II. The Rule 28 would be unfair and unjust to the students above the age of 30 years,

without there being any rational ground for holding them as ineligible.

- III. The provisions of Rule 28 of Schedule is arbitrary and violative of Article 14 of the Constitution of India.
- IV. Colleges and Universities in Maharashtra are bound by the decision of Bombay High Court in PIL No. 18 of 2009 holding the said rule as ultra-vires Article 14 of the Constitution of India.
- V. As admission has already been granted to most of the aspirants, the Bar Council of India is estopped at such belated stage to cancel admissions only by reviving Rule 28 of Schedule III of Legal education Rules, 2008.
- VI. Bar Council of India is estopped from bringing into force age-limit when the several candidates have been admitted to the said course.
- VII. The provisions of Rule 28 of Schedule is beyond the legislative competence of the Bar Council of India.
- VIII. Bar Council of India cannot suppress upliftment of better quality of life for

aspirants who are desirous of joining the legal profession and having the means and capability to do the same on merits.

- IX. Right to Legal literacy is Fundamental Right guaranteed under Article 21 of the Constitution of India.
- X. Notice of cancellation of admission on non-production of Certificate of Nationality is arbitrary.
- XI. Obtaining the Certificate of Nationality is an onerous task, as it requires an agent and several documents to be provided and quite some time to obtain the same.
- XII. None of the schools or college require nationality certificate as a condition of admission, much the less law colleges. Such a condition requiring time bound provision of nationality certificate being made a condition of admission is arbitrary and unjust.
- XIII. The persons/aspirants having been born and brought up in any place in India, and holding an Indian passport, need not obtain a nationality certificate, and much the less be made to provide it to the

college in a tight time frame as a condition of his admission.

E. SOURCE OF INFORMATION:

The Petitioner declares that the facts pleaded in the petition are gathered from the local sources, under RTI, therefore the petitioner craves leave and liberty to call records and proceedings if necessary from the custody of respondent authority.

F. NATURE AND EXTENT OF INJURY CAUSED/APPREHENDED.

1. The Circular dated 17.09.2016 issued by the Joint Secretary, Bar Council of India, revives Rule 28 of Schedule III of Legal Education Rules, 2008 with age restriction for taking admission in Law course. As per Rule 28, upper age limit for admission in LL.B three year course is 30 years and for LL.B five year course is 20 years. All Universities and Colleges are informed by this circular to comply with the provision of Rule 28.
2. The Rule 28 of Schedule III of Legal Education Rules, 2008 creates an artificial distinction between students below the age of 30 years and above the age of 30 years so far as the eligibility to law courses is concerned. provisions of Rule

28 of Schedule is arbitrary and violative of Article 14 of the Constitution of India.

3. Right to Legal literacy is Fundamental Right guaranteed under Article 21 of the Constitution of India.

G.ANY REPRESENTATION ETC. MADE- The petitioner has already made oral representations to respondents.

H.DELAY: There is no delay in filing this PIL. However, if there is any delay, it deserves to be condoned in the interest of justice.

I. DOCUMENTS RELIED UPON.

Annexures to this PIL.

J) CAVEAT: The petitioner has not received a notice of caveat till date from any of the respondents.

40. The petitioner has not filed any other proceedings in this Hon'ble High Court or in the Hon'ble Supreme Court of India touching the subject matter except this present one.

41. The petitioner has not received the notice of caveat from the respondents till filing of this writ petition.

42. The petitioner undertakes to supply the translation of Marathi documents into English as

and when necessary.

43. The petitioner craves liberty to add, alter, amend or to delete any of the Para/s or ground/s of this petition as and when necessary.

44. PRAYERS :

IN VIEW OF THE ABOVE CIRCUMSTANCES, THE PETITIONER, WOULD BE GRACIOUSLY PLEASED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA TO:

- A. To hold and declare Rule 28 of Schedule III of Legal Education Rules, 2008 as ultra-vires Article 14, 19(1)(g) and 21 of the Constitution of India, by issuing writ of certiorari or any other writ, order or direction, as the case may be
- B. To quash impugned Circular dated 17.09.2016 (Exh. H), by issuing writ of certiorari or any other writ, order or direction, as the case may be;
- C. To grant interim stay to Circular dated 17.09.2016 (Exh. H), pending hearing and final disposal of this petition;

- D. To grant interim stay impugned Notice dated 26.09.2016 (Exh. G), pending hearing and final disposal of this petition;
- E. To grant any other relief to which the petitioner is found entitled to in the peculiar facts and circumstances of the case;

**AND FOR THIS ACT OF KINDNESS AND JUSTICE,
THE PETITIONER AS IN DUTY BOUND SHALL
EVER PRAY.**

**Sachin Bajirao Pawar
(THE PETITIONER)**

**PLACE: MUMBAI
DATE: .09.2016**

**(TALEKAR AND ASSOCIATES)
ADVOCATE FOR PETITIONER**

SOLEMN AFFIRMATION

I, Shri. Sachin Bajirao Pawar, Age: 21 years, Occ: Education, R/o: B/79, Parshuram Nagar, G D Ambedkar Marg, Kala Chowky, Mumbai- 400069. Pan No.AXRPP8458R (issued by the Government of India) Mob- 9422210552, the President of Students Law Council Petition from Para Nos.1 to 42 are true and correct to the best of my knowledge and belief. The contents of Ground Nos. (I) to (XIII) are the legal submissions, taken as per the advice of my/our counsel; and the contents of Para No. 42 (A) to (G) are my/our humble prayers to this Hon'ble Court, which are explained to me in vernacular, which are true and correct.

Hence, verified and signed at Mumbai this on this 28th day of September, 2016.

Identify

Deponent

Advocate

(Sachin Bajirao Pawar)

IN THE COURT OF JUDICATURE OF BOMBAY
(APPELLATE SIDE)

**(Rule 4(c) OF THE BOMBAY HIGH COURT
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&Others. **...RESPONDENTS**

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	Copy of Resolution passed by the petitioner Council to file the present PIL Petition	A-2	
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2)	A copy of online option form 6 for CAP round- I/II/III for admission to First Year of LL.B 3 years course for the Academic Year 2016-2017.	B	To
3)	A copy of provisional allotment list of CAP Round-I for LL.B-3 year course 2016-2017 published on 14.09.2016.	C	To
4)	A copy of letter dated 14.09.2016.	D	To
5)	A copy of notice dated 23.09.2016.	E	To
6)	The copies of application forms.	F colly	To

7)	A copy of notice dated 26.09.2016.	G	To
8)	A copy of circular dated 17.09.2016.	H	To
9)	A copy of judgment and order dated 22.01.2015 passed by this Hon'ble Court in PIL No. 18 of 2009.	I	To
10)	A copy of the G.R. dated 11.03.2016.	J	To
11)	Copies of chart and extracts of final merit list showing the number of students in the merit list as well as the judgment and order dated 05.07.2016 in the matter of Shalini Kotian v. State of Maharashtra in WP No. 6608 of 2016	K Colly	To
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& Others. ...**RESPONDENTS**

SYNOPSIS

Sr. No	Date	Particulars
1)		The petitioner is council of law students working in the best interest of law students and public at large by promoting legal education.
2)	26.09.2016	The respondents issued notice for submission of application form and documents including Certificate of Nationality and if this is not submitted admission shall stand cancelled. And extension of three months to the same was granted.
3)		Said condition of production of Certificate of Nationality is itself arbitrary, discriminatory and violative of the Fundamental Right of an individual to undertake Legal Education.
4)	17.09.2016	Meanwhile, the Bar Council of India through its Joint Secretary issued a Circular dated 17.09.2016 reviving Rule 28 of Schedule III of Legal Education Rules, 2008 which deals with age restriction for taking admission in Law course.

5)		This rule is violative of Article 14 of the Constitution of India. The only classification permissible under Article 14 is that having an intelligible differentia and rational nexus with the object of differentiation. There is no rational object in adversely classifying the students above the age of 30 years and holding them as ineligible for undertaking the 3-year law course even if they meet the requirements on merit
6)		The right to acquire legal education and to be legally literate is a basic fundamental right of every citizen of India as ignorance of law is not considered a defence in the Court of law, one cannot be denied an opportunity from undertaking legal education
7)		The circular reintroducing Rule 28 is thus ultra-vires the Constitution and deserves to be struck down. In arguendo, even if the constitutionality of the Circular dated 17.09.2016 is upheld, the same cannot be applicable for academic year 2016-2017.
8)		Withdrawal of Rule 28 was challenged before Madurai Bench of the Madras High Court in Writ Petition No. 9533 of 2015 and withdrawing of the said Rule 28 was quashed vide judgment and order dated 07.08.2015 for reasons as set out therein mainly being that in order to maintain the legal standards and quality of legal education, the said impugned Rule 28 be brought into effect.
9)		The Madras High Court judgment has not considered the issue of intelligible differential and violation of

		Article 14 and is at the same time per-incurium being in ignorance of the fundamental right to legal literacy and the Supreme Court judgment in the matter of Indian Council of Legal Aid & Advice v. Bar Council of India reported in (1995) 1 SCC 732.
10)		Being aggrieved by the impugned notice dated 26.09.2016 issued by the Commissioner, Common Entrance Test Cell, Mumbai and Circular dated 17.09.2016 issued by the Joint Secretary, Bar Council of India, the petitioner society challenges the validity, legality and correctness of the same
		Hence, this PIL Petition.

POINTS TO BE URGED:

- 1) As set out in grounds.

ACTS AND BOOKS REFERRED:

- 1) The Constitution of India.

AUTHORITIES TO BE CITED:

To be cited at the time of hearing.

PLACE: MUMBAI
DATE: .09.2016

(TALEKAR AND ASSOCIATES)
ADVOCATE FOR PETITIONER

**IN THE COURT OF JUDICATURE OF BOMBAY
(APPELLATE SIDE)**

**(Rule 4(c) OF THE BOMBAY HIGH COURT
PUBLIC INTEREST LITIGATION RULES 2010)**

DISTRICT: MUMBAI

PIL PETITION NO.

OF 2016

Student Law Council

....PETITIONER

VERSUS

The State of Maharashtra
&Others.

...RESPONDENTS

AFFIDAVIT

Under rule 7(a) of the Bombay High court, PIL Rules, 2010,

I, Shri. Sachin Bajirao Pawar, Age: 21 years, Occ: Education, R/o: B/79, Parshuram Nagar, G D Ambedkar Marg, Kala Chowky, Mumbai- 400069. Pan No.AXRPP8458R (issued by the Government of India) Mob- 9422210552, the President of Students Law Council do hereby on solemn affirmation states and declare that what is state on oath that there is no personal gain private motive or oblique reason in filing the public Interest Litigation.

Hence, this Affidavit.

Place: - Mumbai.

Deponent

Date: - __.09.2016.

(Shri. Sachin Bajirao Pawar)

VERIFICATION

I, Shri. Sachin Bajirao Pawar, Age: 21 years, Occ: Education, R/o: B/79, Parshuram Nagar, G D Ambedkar Marg, Kala Chowky, Mumbai- 400069. Pan No.AXRPP8458R (issued by the Government of India) Mob- 9422210552, the President of Students Law Council do hereby on solemn affirmation state on oath that the contents of the above affidavit are true and correct to my own knowledge.

Hence, verified at Aurangabad on this ___th Day of September, 2016.

Identified by

Deponent

Advocate.

(Shri. Sachin Bajirao Pawar)

**IN THE COURT OF JUDICATURE OF BOMBAY
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Place: - Mumbai.

Deponent

Date: - __.09.2016.

(Shri. Sachin Bajirao Pawar)

VERIFICATION

I, Shri. Sachin Bajirao Pawar, Age: 21 years, Occ: Education, R/o: B/79, Parshuram Nagar, G D Ambedkar Marg, Kala Chowky, Mumbai- 400069. Pan No.AXRPP8458R (issued by the Government of India) Mob- 9422210552, the President of Students Law Council do hereby on solemn affirmation state on oath that the contents of the above affidavit are true and correct to my own knowledge

Hence, verified at Aurangabad on this __th Day of September, 2016.

Identified by

Deponent

Advocate.

(Shri. Sachin Bajirao Pawar)

**IN THE COURT OF JUDICATURE OF BOMBAY
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Place: - Mumbai.

Deponent

Date: - __.09.2016.

(Shri. Sachin Bajirao Pawar)

VERIFICATION

I, Shri. Sachin Bajirao Pawar, Age: 21 years, Occ: Education, R/o: B/79, Parshuram Nagar, G D Ambedkar Marg, Kala Chowky, Mumbai- 400069. Pan No.AXRPP8458R (issued by the Government of India) Mob- 9422210552, the President of Students Law Council do hereby on solemn affirmation state on oath that the contents of the above affidavit are true and correct to my own knowledge.

Hence, verified at Mumbai on this __th Day of September, 2016.

Identified by

Deponent

Advocate.

(Shri. Sachin Bajirao Pawar)