

Chief Justice's Court

Case :- WRIT - C No. - 54185 of 2016

Petitioner :- Sanjeev Yadav & 56 Others

Respondent :- Bar Council Of India Thru' Secy. & 3 Others

Counsel for Petitioner :- Sushmita Mukherjee, Abhijeet Mukherji

Counsel for Respondent :- S.C., Rajeev Mishra, Sai Girdhar, Sai Girdhar Dwivedi

Hon'ble Dilip B. Bhosale, Chief Justice

Hon'ble Yashwant Varma, J.

Heard Smt. Sushmita Mukherji with Sri Abhijeet Mukherji, learned counsel for the petitioners and Sri Rajeev Mishra, learned counsel for respondent Nos. 1 to 3.

Counsel for respondent Nos. 1 to 3 submits that a similar challenge has been raised in two writ petitions bearing Writ Petition (s) (Civil) No (s). 1023 of 2016 and 841 of 2016 filed in the Supreme Court and in both the writ petitions notice has been issued vide order dated 3.1.2017. We are also informed that there are two judgments of two High Courts, namely the Punjab and Haryana High Court and the Madras High Court, which have already considered and dealt with a similar challenge. The Punjab and Haryana High Court has struck down the Clause 28, Schedule III Rule 11 of the Legal Education Rule, 2008 and the Madras High Court has upheld the same. He also informs the Court that after the judgment of the Punjab and Haryana High Court, the Bar Council of India had withdrawn Clause 28 of the Rules. Though, prima facie, we agree with the view taken by the Punjab and Haryana High Court, we deem it appropriate to issue notice to respondent No.4, at this stage, making it returnable on 23.2.2017. In addition to Court notice, the petitioners to serve notice to respondent No. 4 by registered post with AD/Speed Post/Courier and to file proof of service.

In the meanwhile, if respondent No.4 starts accepting applications for the Common Law Admission Test, 2017, it shall allow the petitioners to fill up the forms and also participate in the examination subject to further orders that will be passed in the present writ petition or by the Supreme Court in the aforementioned writ petitions. We also record the submission of counsel for respondents 1 to 3 that the Bar Council of India is seriously considering the making of an application for transfer of petitions filed in different High Courts raising a similar challenge to the Supreme Court and clubbing these petitions with the aforementioned two writ petitions. His statement is recorded and accepted.

S.O. to 23.2.2017.

Order Date :- 9.2.2017
VMA

(Dilip B Bhosale, CJ)

(Yashwant Varma, J)