



2026:UHC:3927

Sl. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p><u>WPMS No.1425 of 2026</u> <u>Hon'ble Manoj Kumar Tiwari. J.</u></p> <p>Mr. Ayush Pokhriyal, learned counsel for the petitioner.</p> <p>2. Mr. Sandeep Tiwari, learned counsel for respondent no.2-Bar Council of India.</p> <p>3. Petitioner is a law student. Her total attendance in 8th semester was only 11%, therefore, she was not permitted to appear in the 8th Semester end-term examination, which commenced from 14.05.2026. Petitioner has approached this Court seeking a writ of mandamus to permit her to sit in all remaining 8th semester papers.</p> <p>4. Learned counsel appearing for Bar Council of India submits that, as per the Legal Education Rules, 2008 framed by Bar Council of India, every student must have a minimum of 70% attendance in each semester for appearing in the examination. He further submits that the said Rule provides a window to students whose attendance is between 65% to 70%, and the Vice Chancellor or Dean concerned can grant exemption to such students; since petitioner's attendance is abysmally low, therefore, she is not entitled to any indulgence in the matter. Thus, he submits that no mandamus can be issued contrary to the statutory provisions.</p> <p>5. This Court finds substance in the submissions made by learned counsel appearing for Bar Council of India. The regulations framed by Bar Council of India regarding attendance are statutory in nature. Law is well settled that a writ of mandamus cannot be issued asking a public authority</p>



to act contrary to the law on the point.

6. Learned counsel for the petitioner relies upon the judgment rendered by Hon'ble Delhi High Court.

7. Learned counsel appearing for Bar Council of India, however, submits that the said judgment is under challenge before Hon'ble Supreme Court by Narsee Monjee Institute of Management Studies, and the matter is pending consideration before the Apex Court.

8. Having regard to the aforesaid facts and circumstances of the case, this Court is not inclined to interfere in the matter. BCI is a regulatory body, which has laid down minimum standards regarding attendance in order to maintain discipline and order in law colleges. Grant of permission to student who fails to meet the minimum standard of attendance on sympathetic considerations would be counterproductive, as it would bring lawlessness in educational institutions imparting instruction in Law Courses and would diminish standard of education.

9. Writ petition is, however, disposed of by permitting petitioner to approach Bar Council of India by making a representation. If she makes representation within 24 hours, Bar Council of India shall consider the same and pass appropriate order within one week thereafter.

(Manoj Kumar Tiwari, J.)

20.05.2026