

WAs No.5142 /2016 & 921-923/2017 C/W
WAs No.5143/2016 & 1060-1062/2017,
WAs No.4303-4305/2017 & 4318-4320/2017,
WAs No.790-794/2017 & 795-799/2017,
WA No.4301/2017, WAs No.4306 & 4316-
4317/2017,WAs No.5168-5169/2016

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF DECEMBER 2017

PRESENT

**THE HON'BLE MR.H.G.RAMESH
ACTING CHIEF JUSTICE**

AND

THE HON'BLE MR. JUSTICE P.S.DINESH KUMAR

WRIT APPEALS NO. 5142/2016 & 921-923/2017
C/W

WRIT APPEALS NO.5143/2016 & 1060-1062/2017,
WRIT APPEALS NO.4303-4305/2017 & 4318-4320/2017,

WRIT APPEALS NO.790-794/2017 & 795-799/2017,

WRIT APPEAL NO.4301/2017,

WRIT APPEALS NO.4306/2017 & 4316-4317/2017 AND
WRIT APPEALS NO.5168-5169/2016 (EDN-AD)

IN WRIT APPEAL NO.5142/2016 &
WRIT APPEALS NO.921-923/2017:

BETWEEN:

HARISH N
S/O NAGARAJU K.V
AGED ABOUT 22 YEARS
NO.337, 12TH CROSS
RAJESHWARI NAGAR, LAGGERE
BANGALORE-560 058

...APPELLANT

(BY SRI D.R.RAVISHANKAR, ADVOCATE)

AND:

1. SHESHADRIPURAM LAW COLLEGE
NO.1, GOVINDARAO STREET
SHESHADRIPURAM

WAs No.5142 /2016 & 921-923/2017 C/W
WAs No.5143/2016 & 1060-1062/2017,
WAs No.4303-4305/2017 & 4318-4320/2017,
WAs No.790-794/2017 & 795-799/2017,
WA No.4301/2017, WAs No.4306 & 4316-
4317/2017,WAs No.5168-5169/2016

BANGALORE-560 020
REPRESENTED BY ITS PRINCIPAL

2. KARNATAKA STATE LAW UNIVERSITY
NAVANAGAR, HUBLI-580 025
REPRESENTED BY ITS REGISTRAR
 3. BAR COUNCIL OF INDIA
NO.21, ROUSE AVENUE, INSTITUTIONAL
AREA, NEAR BALBHAVAN
NEW DELHI-110 002
REPT. BY ITS CHAIRMAN/SECRETARY
 4. MURALI A
S/O ASHWATHAPPA
AGED ABOUT 27 YEARS
NO.535/1, NEAR LAKSHMI NARAYANA
TEMPLE, AMRUTHAHALLI
SAHAKARANAGAR POST
BANGALORE-560 092
 5. USHA S
D/O SOBBA RAJAPPA
AGED ABOUT 22 YEARS
1ST CROSS, SRI GANAPATHI LAYOUT
HORAMAVU, AGARA
BANGALORE-560 043
 6. CHAITRA SHREE A
D/O ANJAN MURTHY
AGED ABOUT 23 YEARS
NO.183, AMMA NIVAS
NEAR YELLAMMA TEMPLE
V.NAGENAHALLY, R.T.NAGAR POST
BANGALORE-560 032
- ...RESPONDENTS

(BY SRI GANAPATI BHAT VAJRALLI, ADVOCATE FOR R2;
MS.GEETHADEVI M.P, ADVOCATE FOR R3;
SRI M.S.MOHAN, ADVOCATE FOR R4;
R1, 5 & 6 ARE SERVED)

WAs No.5142 /2016 & 921-923/2017 C/W
WAs No.5143/2016 & 1060-1062/2017,
WAs No.4303-4305/2017 & 4318-4320/2017,
WAs No.790-794/2017 & 795-799/2017,
WA No.4301/2017, WAs No.4306 & 4316-
4317/2017,WAs No.5168-5169/2016

THESE WRIT APPEALS ARE FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER PASSED IN
WRIT PETITIONS NO.48023/2015, 48634/2015, 48635/2015 &
48636/2015 DATED 16/12/2016.

**IN WRIT APPEAL NO.5143/2016 &
WRIT APPEALS NO.1060-1062/2017:**

BETWEEN:

MURALI A
S/O ASHWATHAPPA R
AGED ABOUT 27 YEARS
NO.535/1, NEAR LAKSHMI NARAYANA
TEMPLE, AMRUTHAHALLI
SAHAKARANAGAR POST
BANGALORE-560 092

...APPELLANT

(BY SRI D.R.RAVISHANKAR, ADVOCATE)

AND:

1. SHESHADRIPURAM LAW COLLEGE
NO.1, GOVINDARAO STREET
SHESHADRIPURAM
BANGALORE-560 020
REPRESENTED BY ITS PRINCIPAL
2. KARNATAKA STATE LAW UNIVERSITY
NAVANAGAR, HUBLI-580 025
REPRESENTED BY ITS REGISTRAR
3. BAR COUNCIL OF INDIA
NO.21, ROUSE AVENUE INSTITUTIONAL
AREA, NEAR BALBHAVAN
NEW DELHI-110 002
REPT. BY ITS CHAIRMAN/SECRETARY
4. SRI HARISH N
S/O NAGARAJU K.V
AGED ABOUT 22 YEARS

WAs No.5142 /2016 & 921-923/2017 C/W
 WAs No.5143/2016 & 1060-1062/2017,
 WAs No.4303-4305/2017 & 4318-4320/2017,
 WAs No.790-794/2017 & 795-799/2017,
 WA No.4301/2017, WAs No.4306 & 4316-
 4317/2017,WAs No.5168-5169/2016

NO.337, 12TH CROSS
 RAJESHWARI NAGAR, LAGGERE
 BANGALORE-560 058

5. USHA S
 D/O SOBBA RAJAPPA
 AGED ABOUT 22 YEARS
 1ST CROSS, SRI GANAPATHI LAYOUT
 HORAMAVU, AGARA
 BANGALORE-560 043

6. CHAITRA SHREE A
 D/O ANJAN MURTHY
 AGED ABOUT 23 YEARS
 NO.183, AMMA NIVAS
 NEAR YELLAMMA TEMPLE
 V.NAGENAHALLY, R.T.NAGAR POST
 BANGALORE-560 032

...RESPONDENTS

(BY SRI GANAPATI BHAT VAJRALLI, ADVOCATE FOR R2;
 MS.GEETHADEVI M.P, ADVOCATE FOR R3;
 R1, 4 & 5 ARE SERVED;
 VIDE ORDER DATED 19.4.2017 SERVICE OF NOTICE
 TO R6 IS COMPLETED)

THESE WRIT APPEALS ARE FILED U/S 4 OF THE KARNATAKA
 HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER PASSED IN
 WRIT PETITIONS NO.48023/2015, 48634/2015, 48635/2015 &
 48636/2015 DATED 16/12/2016.

**IN WRIT APPEALS NO.4303-4305/2017 &
 WRIT APPEALS NO.4318-4320/2017 :**

BETWEEN:

1. MR.RAGHAVENDRA S
 S/O SRINIVAS GOWDA
 AGED ABOUT 22 YEARS
 R/O MALLANDUR VILLAGE
 AGUMBE POST
 SHIVAMOGGA DISTRICT
 PIN CODE-550 201

WAs No.5142 /2016 & 921-923/2017 C/W
 WAs No.5143/2016 & 1060-1062/2017,
 WAs No.4303-4305/2017 & 4318-4320/2017,
 WAs No.790-794/2017 & 795-799/2017,
 WA No.4301/2017, WAs No.4306 & 4316-
 4317/2017,WAs No.5168-5169/2016

2. MR.AKSHATH KUMAR
 S/O PRABHAKAR ACHARYA
 AGED ABOUT 22 YEARS
 R/O SHREE YAKSHA, MADIKETTU HOUSE
 MOODUBELE, UDUPI TALUK
 UDUPI DISTRICT-572 101

3. MR.SHABHA
 S/O SRI ISMAIL SAHEB
 AGED ABOUT 28 YEARS
 RESIDING AT JANATHA HOUSE
 AIRODY VILLAGE, MABUKALA POST
 UDUPI TALUK
 UDUPI DISTRICT-572 101

...APPELLANTS

(BY SRI K.PRASANNA SHETTY, ADVOCATE)

AND:

1. KARNATAKA STATE LAW UNIVERSITY
 NAVANAGAR, HUBBALLI-580 025
 THROUGH ITS REGISTRAR
2. BAR COUNCIL OF INDIA
 REPRESENTED BY SECRETARY
 NO.21, ROUSE AVENUE
 INSTITUTIONAL AREA
 NEAR BAL BHAVAN
 NEW DELHI-110 002
 REP. BY ITS CHAIRMAN/SECRETARY
3. MR.SHANKAR NAIK
 S/O RAMAKRISHNA NAIK
 AGED ABOUT 32 YEARS
 R/O BEKUR, KATAGAR KOPPS POST
 BHATKALA TALUK
 U.K.DISTRICT
4. MR.AMALAPPA
 S/O KUMARAPPA DORI
 AGED 25 YEARS
 R/AT SHORAPURA, POST MALLABI
 YADGIR DIST-550 201

WAs No.5142 /2016 & 921-923/2017 C/W
 WAs No.5143/2016 & 1060-1062/2017,
 WAs No.4303-4305/2017 & 4318-4320/2017,
 WAs No.790-794/2017 & 795-799/2017,
 WA No.4301/2017, WAs No.4306 & 4316-
 4317/2017,WAs No.5168-5169/2016

5. VAIKUNTA BALIGA COLLEGE OF LAW
 KUNJIBETTU, UDUPI-576 102
 REP. BY ITS PRINCIPAL
 PROF.PRAKASH KANIVE ...RESPONDENTS

(BY SRI GANAPATHY BHAT VAJRALLI, ADVOCATE FOR R1;
 MS.GEETHADEVI M. PAPANNA, ADVOCATE FOR R2;
 R3, 4 & 5-SERVED)

THESE WRIT APPEALS ARE FILED U/S 4 OF THE KARNATAKA
 HIGH COURT ACT PRAYING TO ALLOW THE WRIT APPEAL BY
 SETTING ASIDE THE ORDER DATED 16/12/2016 PASSED IN WRIT
 PETITIONS NO.49126-49130 & 49131/2015 [EDN-AD] OTHER
 CONNECTED MATTERS & TO ALLOW THE WRIT PETITIONS.

**IN WRIT APPEALS NO.790-794/2017 &
 WRIT APPEALS NO.795-799/2017:**

BETWEEN:

1. SRI TARUNESH
 S/O SRI KRISHNAMURTHY T
 AGED ABOUT 19 YEARS
 RESIDENT OF 3-195, 3RD BLOCK
 KATIPALLA, SURATHKAL-575 030
2. SRI VISHNU DALMIA
 S/O SRI GANESH BABU P.K
 AGED ABOUT 23 YEARS
 RESIDENT OF ABHAYAMATHI HOUSE
 THATHAMPALLY P.O.
 ALPUPUZHA DISTRICT
 KERALA-688 013
3. KUMARI KAVYA P
 D/O SRI VISHWANATHA POOJARY
 AGED ABOUT 18 YEARS
 RESIDENT OF POLALI PADU HOUSE
 KARIYANGALA VILLAGE, BANTWAL TALUK
 POLALI POST, MANGALURU - 574 219

WAs No.5142 /2016 & 921-923/2017 C/W
WAs No.5143/2016 & 1060-1062/2017,
WAs No.4303-4305/2017 & 4318-4320/2017,
WAs No.790-794/2017 & 795-799/2017,
WA No.4301/2017, WAs No.4306 & 4316-
4317/2017,WAs No.5168-5169/2016

4. SRI GAUTHAM KISHAN H
S/O SRI GIRIDHAR H
AGED ABOUT 19 YEARS
RESIDENT OF ASHRAYA SOWHARDA ENCLAVE
KAVOOR KULUR ROAD
MANGALURU-575 015
5. MR.MOHAMMAD ANWAR
S/O MR.UMAR SHAFI K.P
AGED ABOUT 19 YEARS
RESIDENT OF KUPPETTI HOUSE
KALLERI POST, BELTHANGADY TALUK
& DISTRICT, BELTHANGADY
6. SRI ANANTHA PADMANABHA
S/O SRI KRISHNA RAO K.S
AGED ABOUT 20 YEARS
RESIDENT OF NO.165 B, 4TH BLOCK
KATIPALLA, KRISHNAPURA
SURATHKAL-575 030
7. KUMARI SAHANA SHENOY K
D/O SRI SHRIDHAR SHENOY K
AGED ABOUT 19 YEARS
RESIDENT OF SHANTHA VIJAYA
OPP. THARANATH STORES
BEJAI KAPIKAD, MANGALURU-575 004
8. MS.MARIAM FARISA ABDULLA
D/O MR.MOHAMMED ABDULLA KUNHI
AGED ABOUT 19 YEARS
RESIDENT OF SAFATH MANZIL
MOGRAL PUTHUR
KASARAGOD DISTRICT
KERALA-671 124

...APPELLANTS

(BY SRI H.GIRIDHAR, ADVOCATE)

WAs No.5142 /2016 & 921-923/2017 C/W
 WAs No.5143/2016 & 1060-1062/2017,
 WAs No.4303-4305/2017 & 4318-4320/2017,
 WAs No.790-794/2017 & 795-799/2017,
 WA No.4301/2017, WAs No.4306 & 4316-
 4317/2017,WAs No.5168-5169/2016

AND:

1. KARNATAKA STATE LAW UNIVERSITY
 NAVANAGAR, HUBBALLI
 THROUGH ITS REGISTRAR
 2. BAR COUNCIL OF INDIA
 REPRESENTED BY SECRETARY
 NO.21, ROUSE AVENUE
 INSTITUTIONAL AREA
 NEW DELHI-110 002
 3. MISS FATHIMATH SABIRA
 D/O MR.ABOOBAKKER N.B
 AGED ABOUT 19 YEARS
 RESIDENT OF BAITHUL FATHIMA
 SITE NO.25, ANGARAGUNDI
 BAIKAMPADY, MANGALURU-574 219
 4. SHRI DHARMASTHALA MANJUNATHESWARA LAW
 COLLEGE & CENTRE FOR POST
 GRADUATE STUDIES AND RESEARCH
 IN LAW M.G.ROAD
 MANGALURU - 575 003
 REPRESENTED BY ITS PRINCIPAL
 DR.THARANATH
 S/O ANANDA SHETTY
 AGED ABOUT 46 YEARS
 SDM LAW COLLEGE
 MANGALURU
- ...RESPONDENTS

(BY SRI GANAPATHY BHAT VAJRALLI, ADVOCATE FOR R1;
 MS.GEETHADEVI M. PAPANNA, ADVOCATE FOR R2;
 SRI ANISH ACHARYA, ADVOCATE FOR R4;
 R3-SERVED, VIDE ORDER DT.28.03.2017)

THESE WRIT APPEALS ARE FILED U/S 4 OF THE KARNATAKA
 HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER DATED
 5/1/17 MADE IN W.P.NOS.48664-673/2015 [GM-EDN] DISPOSING
 OF THE SAME BY APPLYING ANALOGY OF PRAYER MADE IS
 SIMILAR TO THE ONE RAISED IN W.P.NO.36654/2015 & OTHER
 CONNECTED MATTERS, WHICH PETITIONS WERE COME TO BE

WAs No.5142 /2016 & 921-923/2017 C/W
 WAs No.5143/2016 & 1060-1062/2017,
 WAs No.4303-4305/2017 & 4318-4320/2017,
 WAs No.790-794/2017 & 795-799/2017,
 WA No.4301/2017, WAs No.4306 & 4316-
 4317/2017,WAs No.5168-5169/2016

REJECTED BY ORDER DATED 16/12/2016 BY THE HON'BLE SINGLE JUDGE & TO ALLOW THAT WRIT PETITIONS & TO GRANT SUCH ORDER OR RELIEF TO WHICH THE APPELLANTS MAY BE FOUND ENTITLED TO UNDER THE CIRCUMSTANCES OF THE CASE.

IN WRIT APPEAL NO.4301/2017:

BETWEEN:

SRI RAVI.S
 S/O SRINIVASA.B
 AGED ABOUT 23 YEARS
 NO.63, 3RD CROSS, LALBAGH ROAD
 BENGALURU-560 027

...APPELLANT

(BY SMT VIJAYALAKSHMI R, ADVOCATE)

AND:

1. KARNATAKA STATE LAW UNIVERSITY
 NAVANAGAR, HUBLI-580 025
 REPRESENTED BY ITS REGISTRAR

2. THE VISVESWARAPURA COLLEGE OF LAW
 R.R.ROAD, V.V.PURAM
 BENGALURU-560 004
 REPRESENTED BY ITS PRINCIPAL

...RESPONDENTS

(BY SRI GANAPATHY BHAT VAJRALLI, ADVOCATE FOR
 M/S KUMAR & BHAT FOR R1;
 R2-SERVED)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER DATED 16/12/2016 PASSED IN WRIT PETITION NO.50353/2015.

WAs No.5142 /2016 & 921-923/2017 C/W
 WAs No.5143/2016 & 1060-1062/2017,
 WAs No.4303-4305/2017 & 4318-4320/2017,
 WAs No.790-794/2017 & 795-799/2017,
 WA No.4301/2017, WAs No.4306 & 4316-
 4317/2017,WAs No.5168-5169/2016

**IN WRIT APPEAL NO.4306/2017 &
 WRIT APPEALS NO.4316-4317/2017:**

BETWEEN:

MS.SHAILIKA
 D/O RAMESH SUVARNA
 AGED ABOUT 19 YEARS
 R/O PARPALE, NEAR K.E.B. OFFICE
 KARKALA, UDUPI DISTRICT-572 101

...APPELLANT

(BY SRI K PRASANNA SHETTY, ADVOCATE)

AND:

1. KARNATAKA STATE LAW UNIVERSITY
 NAVANAGAR, HUBBALLI-580 025
 THROUGH ITS REGISTRAR
2. BAR COUNCIL OF INDIA
 REPRESENTED BY SECRETARY
 NO.21, ROUSE AVENUE
 INSTITUTIONAL AREA
 NEAR BAL BHAVAN
 NEW DELHI-110 002
 REP. BY ITS CHAIRMAN/SECRETARY
3. MR.LANCE CHRISTOPHER D'SILVA
 S/O DONALD D'SILVA
 AGED ABOUT 23 YEARS
 R/AT DOOR NO.4/275/A, "MORNING
 STAR", OPP: INDUSTRIAL AREA
 ALEVOOR, MANIPAL, UDUPI DIST.
 PIN CODE-572 101
4. VAIKUNTA BALIGA COLLEGE OF LAW
 KUNJIBETTU, UDUPI-576 102
 REP. BY ITS PRINCIPAL
 PROF. PRAKASH

...RESPONDENTS

(BY SRI GANAPATHY BHAT VAJRALLI, ADVOCATE FOR

WAs No.5142 /2016 & 921-923/2017 C/W
 WAs No.5143/2016 & 1060-1062/2017,
 WAs No.4303-4305/2017 & 4318-4320/2017,
 WAs No.790-794/2017 & 795-799/2017,
 WA No.4301/2017, WAs No.4306 & 4316-
 4317/2017,WAs No.5168-5169/2016

M/S KUMAR & BHAT FOR R1;
 MS.GEETHADEVI M. PAPANNA, ADVOCATE FOR R2;
 R3-SERVICE OF NOTICE IS DISPENSED WITH VIDE
 COURT ORDER DATED 24.11.2017;
 R4-SERVED)

THESE WRIT APPEALS ARE FILED U/S 4 OF THE KARNATAKA
 HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER PASSED IN
 WRIT PETITION NOS.49157/2015 & 49158-49159/2015 DATED
 16/12/2016.

IN WRIT APPEALS NO.5168-5169/2016:

BETWEEN:

1. MISS BHUVANESWARI S
 D/O SRI SHENBAGA KUMAR G
 AGED ABOUT 18 YEARS
 I YEAR BBA, LL.B, SECTION-'A'
 K.L.E. SOCIETY'S LAW COLLEGE
 POST BOX NO.1059, 2ND BLOCK
 RAJAJINAGAR, BANGALORE-560 010
 R/AT JAIN HOSTEL, ROOM NO.34
 C-1747, 1ST 'C' MAIN ROAD
 'D' COMPLEX, II STAGE, RAJAJINAGAR
 BANGALORE-560 034
2. SRI RATNESH KUMAR GAUTAM
 S/O SRI JAGDISH KUMAR
 AGED ABOUT 18 YEARS
 I YEAR BBA., LL.B., SECTION-A
 K.L.E. SOCIETY'S LAW COLLEGE
 POST BOX NO.1059, 2ND BLOCK
 RAJAJINAGAR, BANGALORE-560 010
 R/AT NO.228/3, 27TH CROSS
 2ND BLOCK, RAJAJINAGAR
 BANGALORE-560 010

...APPELLANTS

(BY SRI M.P.SRIKANTH, ADVOCATE)

WAs No.5142 /2016 & 921-923/2017 C/W
 WAs No.5143/2016 & 1060-1062/2017,
 WAs No.4303-4305/2017 & 4318-4320/2017,
 WAs No.790-794/2017 & 795-799/2017,
 WA No.4301/2017, WAs No.4306 & 4316-
 4317/2017,WAs No.5168-5169/2016

AND:

1. BAR COUNCIL OF INDIA
 REPTD. BY ITS CHAIRMAN/SECRETARY
 NO.21, ROUSE AVENUE
 INSTITUTIONAL AREA
 NEW DELHI-110 002
2. KARNATAKA STATE BAR COUNCIL
 REPTD. BY ITS SECRETARY
 K.G.I.D. BUILDING, VIDHANA VEEDHI
 BANGALORE-560 001
3. KARNATAKA STATE LAW UNIVERSITY
 REPD. BY ITS REGISTRAR
 NAVANAGAR, HUBLI-20
4. NATIONAL INSTITUTE OF OPEN SCHOOL
 AUTONOMOUS ORGANISATION UNDER
 DEPARTMENT OF SCHOOL EDUCATION
 AND LITERACY, MHRD, GOVERNMENT OF INDIA
 NEW DELHI-110 001, BY ITS DIRECTOR
5. THE PRINCIPAL
 K.L.E. SOCIETY'S LAW COLLEGE
 POST BOX NO.1059, 2ND BLOCK
 RAJAJINAGAR, BANGALORE-560 010
6. MISS LISHA NEPALI
 D/O SRI RAMSHARAN NEPALI
 AGED ABOUT 21 YEARS
 I YEAR BBA., LL.B., SECTION-'B'
 K.L.E. SOCIETY'S LAW COLLEGE
 POST BOX NO.1059, 2ND BLOCK
 RAJAJINAGAR, BANGALORE-560 010
 R/AT JAIN HOSTEL, ROOM NO.34
 C-1747, 1ST 'C' MAIN RAOD, 'D' COMPLEX
 II STAGE, RAJAJINAGAR
 BANGALORE-560 034

...RESPONDENTS

(BY MS.GEETHADEVI M. PAPANNA, ADVOCATE FOR R1;

WAs No.5142 /2016 & 921-923/2017 C/W
WAs No.5143/2016 & 1060-1062/2017,
WAs No.4303-4305/2017 & 4318-4320/2017,
WAs No.790-794/2017 & 795-799/2017,
WA No.4301/2017, WAs No.4306 & 4316-
4317/2017,WAs No.5168-5169/2016

SRI G.NATARAJ, ADVOCATE FOR R2;
SRI GANAPATHY BHAT VAJRALLI, ADVOCATE FOR R3;
R4 & R5-SERVED;
VIDER ORDER DTD:08.09.2017, SERVICE OF NOTICE
TO R6 IS DISPENSED WITH)

THESE WRIT APPEALS ARE FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER PASSED IN
WRIT PETITION NOS.47656/2015 & 47658/2015 DATED
16/12/2016.

THESE WRIT APPEALS, HAVING BEEN HEARD AND
RESERVED FOR JUDGMENT ON 24.11.2017, COMING ON FOR
PRONOUNCEMENT OF JUDGMENT, THIS DAY,
P.S.DINESH KUMAR J., PRONOUNCED THE FOLLOWING:-

J U D G M E N T

- 1.** All these writ appeals, involving interpretation of '*Explanation*' to Rule 5 of the Bar Council of India Rules ('BCI Rules' for short), are directed against the common order dated 16.12.2016 in W.P.No.36654/2015 and connected cases; and the common order dated 5.1.2017 in W.Ps.No.48664-667/2015 and connected cases, passed by the Hon'ble Single Judge.
- 2.** We have heard the learned Counsel for the parties.
- 3.** Being satisfied with the cause shown in the affidavits accompanying with the applications, the delay in filing the

WAs No.5142 /2016 & 921-923/2017 C/W
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WAs No.4303-4305/2017 & 4318-4320/2017,
WAs No.790-794/2017 & 795-799/2017,
WA No.4301/2017, WAs No.4306 & 4316-
4317/2017,WAs No.5168-5169/2016

appeals in W.As.No.4303-4305/2017 & W.As.No.4318-4320/2017 and W.A.No.4306/2017 & W.As.No.4316-4317/2017, are condoned.

4. For the sake of convenience, the parties shall be referred to as per their status in the writ petitions.

5. The gravamen of petitioners' case, urged before us by the learned Counsel for the petitioners, is summarized as follows:-

- (i) that the writ petitioners are students pursuing their 3 year or 5 year LL.B., courses;
- (ii) the eligibility for admission to Law Degree Course is governed by Rule 5 of the BCI Rules;
- (iii) the BCI Rules mandates that an applicant seeking admission in 3 year Law Degree Course shall hold a graduate or post graduate degree in any discipline or equivalent; and an applicant seeking admission for an integrated 5 year degree programme in law should have completed Senior Secondary School Course ('10+2') or equivalent;
- (iv) some petitioners have obtained the qualifying '10+2' or 'graduation/post graduation' as private candidates;

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WAs No.4303-4305/2017 & 4318-4320/2017,
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WA No.4301/2017, WAs No.4306 & 4316-
4317/2017,WAs No.5168-5169/2016

- (v) some petitioners have appeared for 10th and 12th Examination as private candidates;
- (vi) some applicants have obtained graduation/post graduation degrees by distance or correspondence courses through Open University Scheme;
- (vii) the Karnataka State Law University ('Law University' for short), by misinterpreting the '*Explanation*' to Rule 5, has not approved admissions of those students who have passed through Open University Scheme or as private candidates; and
- (viii) the writ petitions filed by the petitioners have been dismissed upholding incorrect interpretation made by the Law University.

6. Learned Counsel for the petitioners argued that the proviso to Rule 5 renders the applicants obtaining '+2' and 'graduate/post graduate' degree certificates by 'distance' or 'correspondence' method, eligible for admission to 3 year and 5 year Law degree courses, respectively. However, the '*Explanation*' disentitles such applicants, who obtain '+2' or 'graduation/post graduation' through Open University System, **directly**, without having any basic qualification.

WAs No.5142 /2016 & 921-923/2017 C/W
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WA No.4301/2017, WAs No.4306 & 4316-
4317/2017,WAs No.5168-5169/2016

Thus, the action of the Law University, in disapproving the admissions of the appellants herein is based on erroneous interpretation of the '*Explanation*', and therefore, unsustainable in law.

7. With the above submissions, learned Counsel for the petitioners, prayed for allowing these writ appeals.

8. Ms. Geethadevi Papanna, learned Counsel appearing for the Bar Council of India, submitted that, the eligibility criteria was considered by the Legal Education Committee of the Bar Council of India, in it's meeting held on 30th April, 2017 and the recommendations of the said meeting have been accepted by the General Council of the Bar Council of India.

9. We have carefully considered the submissions made by the learned counsel for the parties and perused the records.

10. Rule-5 of the BCI Rules, reads as follows:-

"5. Eligibility for admission.- (a) Three Year Law Degree Course: An applicant who has graduated in any discipline of knowledge from a University established by an Act of Parliament or by a State legislature or an equivalent national institution recognized as a Deemed to be University

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or foreign University recognized as equivalent to the status of an Indian University by an authority competent to declare equivalence, may apply for a three years' degree program in law leading to conferment of LL.B. degree on successful completion of the regular program conducted by a University whose degree in law is recognized by the Bar Council of India for the purpose of enrolment.

(b) Integrated Degree Program: An applicant who has successfully completed Senior Secondary School course ('+2') or equivalent (such as 11+1, 'A' level in Senior School Leaving certificate course) from a recognized University of India or outside or from a Senior Secondary Board or equivalent, constituted or recognized by the Union or by a State Government or from any equivalent institution from a foreign country recognized by the government of that country for the purpose of issue of qualifying certificate on successful completion of the course, may apply for and be admitted into the program of the Centres of Legal Education to obtain the integrated degree in law with a degree in any other subject as the first degree from the University whose such a degree in law is recognized by the Bar Council of India for the purpose of enrolment:

Provided that applicants who have obtained + 2 Higher Secondary Pass Certificate or First Degree Certificate after prosecuting studies in distance or correspondence method shall also be considered as eligible for admission in the Integrated Five Years course or three years' LL.B. course, as the case may be.

Explanation.-The applicants who have obtained 10 + 2 or graduation/post-graduation through open Universities system directly without having any basic qualification for prosecuting such studies are not eligible for admission in the law courses."

(emphasis supplied)

11. The '*Explanation*' to Rule 5 to the BCI Rules states that the applicants, who have obtained '10+2' or 'graduation/post graduation', through 'Open University System', **directly,**

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without having any basic qualification for prosecuting such studies, are not eligible for admission to Law degree courses.

12. The reasons assigned by the Law University in disapproving the admission of the appellants are tabulated hereunder:

| Sl. No | W.A.No/s. | Name & course | Qualification | Reasons for not approving admission |
|-----------|---|--------------------------------|---|---|
| 1. | WA No.5142/2016 & WAs No.921-923/2017 | HARISH.N. 3 year LL.B | Upto 10 th Standard-Regular School II PUC - as a private student Graduation - as a regular student in the Bangalore University | +2 private study/ Open schooling |
| 2. | WA No.5143/2016 & WAs No.1060-62/2017 | MURALI.A. 3 year LL.B | Upto 10 th Standard-Regular School II PUC - as a private student Graduation - as a regular student in the Bangalore University | +2 private study/ Open schooling |
| 3. | WAs No.4303-05/2017 & WAs No.4318-20/2017 | RAGHAVENDRA 3 year LL.B | Upto 10 th Standard-Regular School II PUC - as a private student Graduation - as a regular student in the | +2 private/10 th /12 th Degree All Open schooling |

WAs No.5142 /2016 & 921-923/2017 C/W
 WAs No.5143/2016 & 1060-1062/2017,
 WAs No.4303-4305/2017 & 4318-4320/2017,
 WAs No.790-794/2017 & 795-799/2017,
 WA No.4301/2017, WAs No.4306 & 4316-
 4317/2017,WAs No.5168-5169/2016

| | | | | |
|----|--|---------------------------------|---|---|
| | | | Mangalore University | |
| | | AKSHATH KUMAR 3 year LL.B | Upto 10 th Standard-Regular School II PUC - as a private student Graduation - as a regular student in the Mangalore University | +2 private/10 th /12 th Degree All Open schooling |
| | | SHABA 3 year LL.B | Upto 10 th Standard-Regular School II PUC - as a private student Graduation - as a regular student in the Mangalore University | +2 private/10 th /12 th Degree All Open schooling |
| 4. | WAs No.790-794/2017 & WAs No. 795-799/2017 | TARUNESH 5 year LL.B | Upto 10 th Standard-Regular School II PUC - as a private student | +2 private |
| | | VISHNU DALMIA 5 year LL.B | Upto 10 th Standard-Regular School II PUC - In a open schooling | +2 private |
| | | KUMARI KAVYA 5 year LL.B | Upto 10 th Standard-Regular School II PUC - as a private student | +2 private |
| | | GAUTHAM KISHAN H 5 year LL.B | Upto 10 th Standard-Regular School II PUC - as a private student | +2 private |

WAs No.5142 /2016 & 921-923/2017 C/W
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 WAs No.790-794/2017 & 795-799/2017,
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 4317/2017,WAs No.5168-5169/2016

| | | | | |
|----|---|--|---|--|
| | | MOHAMMAD ANWAR 5 year LL.B | Upto 10 th Standard-Regular School II PUC - as a private student | +2 private |
| | | ANANTHA PADMANABHA 5 year LL.B | Upto 10 th Standard-Regular School II PUC - as a private student | +2 private |
| | | KUMARI SAHANA SHENOY.K. 5 year LL.B | Upto 10 th Standard-Regular School II PUC - as a private student | +2 private |
| | | MARIAM FARISA ABDHULLA 5 year LL.B | Upto 10 th Standard-Regular School II PUC - as a private student | +2 private |
| 5. | WA No.4301/2017 | RAVI.S. 3 year LL.B | Upto 10 th Standard-Regular School II PUC - as a private student Graduation - as a regular student in the Bangalore University | +2 private study |
| 6. | WA No.4306/2017 & WAs No.4316-4317/2017 | MS.SHAILIKA 5 year LL.B | Upto 10 th Standard-Regular School II PUC - as a private student | +2 private |
| 7. | WAs No.5168-69/2016 | BHUVANESWAR I 5 YEAR INTEGRATED LL.B. | Upto 11 th Standard-Regular School 12 th Standard Open schooling | PUC studied at NIOS & there is no proof of 2 years study at +2 level |
| | | RATNESH KUMAR GAUTAM 5 YEAR | Upto 9 th Standard-Regular School 10 th Standard- | +2 through open schooling |

WAs No.5142 /2016 & 921-923/2017 C/W
 WAs No.5143/2016 & 1060-1062/2017,
 WAs No.4303-4305/2017 & 4318-4320/2017,
 WAs No.790-794/2017 & 795-799/2017,
 WA No.4301/2017, WAs No.4306 & 4316-
 4317/2017,WAs No.5168-5169/2016

| | | | | |
|--|--|---------------------|--|--|
| | | INTEGRATED LL.B. | Open schooling 11 th Standard- regular student In NIOS 12 th Standard- open schooling | |
|--|--|---------------------|--|--|

13. Analysis of the qualifications of the appellants shows that they have appeared as private candidates either in their 10th, '+2' or 'first graduation' examination. It is relevant to record that, the appellants have attended classes in the School and appeared for the 10th, '+2' or 'first graduation' examination as private candidates or through open schooling method. Therefore, they cannot be classified as applicants, who have obtained their respective '+2' or 'graduation/post graduation' qualification **directly**, without having any basic qualification. The resultant position is that, the applicants' cases would fall within the 'proviso' to Rule 5 of BCI Rules and the '*Explanation*' shall have no application. Consequently, they shall be entitled to pursue their 3 year or 5 year Law courses.

14. Resultantly, these writ appeals merit consideration. Hence, the following:

WAs No.5142 /2016 & 921-923/2017 C/W
 WAs No.5143/2016 & 1060-1062/2017,
 WAs No.4303-4305/2017 & 4318-4320/2017,
 WAs No.790-794/2017 & 795-799/2017,
 WA No.4301/2017, WAs No.4306 & 4316-
 4317/2017,WAs No.5168-5169/2016

ORDER

- i) **Writ Appeals** No.5142/2016 & 921-923/2017; 5143/2016 & 1060-1062/2017; 4303-4305/2017 & 4318-4320/2017; 790-794/2017 & 795-799/2017; 4301/2017; 4306/2017 & 4316-4317/2017 and 5168-5169/2016, **are allowed;**
- ii) Common Order dated 16.12.2016 in Writ Petitions No.48635/2015, 48023/2015, 50353/2015, 49126/2015, 49127/2015, 49129/2015, 49157/2015, 47656/2015, 47658/2015 and common order dated 5.1.2017 in Writ Petitions No.48664/2015, 48665/2015, 48667/2015, 48668/2015, 48669/2015, 48670/2015, 48671/2015, 48672/2015, are set aside and consequently the said writ petitions are allowed;
- iii) Communications dated 31.10.2015 in Writ Petitions No.48635/2015, 48023/2015, 48664/2015, 48665/2015, 48667/2015, 48668/2015, 48669/2015, 48670/2015, 48671/2015, 48672/2015, 50353/2015; communication dated 3.10.2015 in Writ Petitions No.49126/2015, 49127/2015 &

WAs No.5142 /2016 & 921-923/2017 C/W
WAs No.5143/2016 & 1060-1062/2017,
WAs No.4303-4305/2017 & 4318-4320/2017,
WAs No.790-794/2017 & 795-799/2017,
WA No.4301/2017, WAs No.4306 & 4316-
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49129/2015; communication dated
3.11.2015 in Writ Petition No.49157/2015
and the communication dated 27.7.2015 &
23.9.2015 in Writ Petitions No.47656/2015
& 47658/2015 are set aside; and

- iv) the respondent – Karnataka State Law
University, is directed to consider the
eligibility of appellants and other similar
students for admission to the Law courses
in the light of the law laid down in this
judgment.

15. In view of disposal of these writ appeals, all pending
interlocutory applications in all the appeals also stand
disposed of.

Writ Appeals ***allowed***.

We make no order as to costs.

**Sd/-
ACTING CHIEF JUSTICE**

**Sd/-
JUDGE**

cp*