

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 8388 of 2025****With****CIVIL APPLICATION (FOR AMENDMENT) NO. 1 of 2025****In R/SPECIAL CIVIL APPLICATION NO. 8388 of 2025**=====
UMESH VARJANBHAI PANCHAL & ORS.**Versus****STATE OF GUJARAT & ORS.**
=====**Appearance:****MR MITUL SHELAT WITH MR HARSH K RAVAL(9068) for the Petitioner(s) No. 1,2,3,4,5,6,7,8,9****MS NIRALI SARDA ASSISTANT GOVERNMENT PLEADER for the Respondent(s) No. 1,2****MR AR THACKER(888) for the Respondent(s) No. 15,17****MR MANAN A SHAH(5412) for the Respondent(s) No. 4****MR MJ MEHTA(5797) for the Respondent(s) No. 3****MR MRUGEN K PUROHIT(1224) for the Respondent(s) No. 11,12,13,5,6,7,8,9****MR SAURABH J MEHTA(2170) for the Respondent(s) No. 3****MR VANDAN K BAXI(5863) for the Respondent(s) No. 11,12,13,5,6,7,8,9****SHIVANG A THACKER(7424) for the Respondent(s) No. 10****VIKAS V NAIR(7444) for the Respondent(s) No. 14****MR ANUJ TRIVEDI for the Respondent no. 16**
=====**CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL****Date : 04/07/2025****ORAL ORDER**

1. Heard learned Advocate Mt. Mitul Shelat with learned Advocate Mr.Harsh K. Raval on behalf of the petitioners, learned Assistant Government Pleader Ms. Nirali Sarda on behalf of respondent- State , learned Advocate Mr. M.J. Mehta on behalf of respondent no. 3, learned Advocate Mr. Manan Shah on behalf of respondent no.4, learned Advocate Mr. Mrugen Purohit on behalf of respondents no. 5 to 9 and 11 to 13,

learned Advocate Mr. Shivang Thacker on behalf of respondent no. 10, 15 and 17, learned Advocate Mr. Vikas Nair on behalf of respondent no. 14 and learned Advocate Mr. Anuj Trivedi on behalf of respondent no. 16.

2. While the present petitions has been preferred inter alia for a direction to the Bar Council of India (hereinafter referred to as “BCI” for short) to grant approval and regularize all grant-in-aid colleges of Gujarat for the students who were admitted through the university till academic year 2023-2024, having heard the learned Advocates for the respective parties essentially it would appear to this Court that the grievance being voiced is that the students who have completed their LLB courses from the respective law colleges, are being denied their enrollment certificates on account of the BCI holding that the students have passed out from unrecognized law colleges.

3. It is the contention on behalf of the BCI that the Section 24(1)(c)(iii) of the Advocates Act inter alia stipulates that enrollment would be given to students who have passed out the course of study from any university in India which is recognized for the purpose of the Act by the BCI. It is submitted that the University /the Institution, during the time when the students had prosecuted their law studies had not been granted appropriate

recognition and hence, the students would not be entitled to their enrollment certificates.

4. It would appear in this regard that the non-recognition of the Institution, is not stated to be an inherent defect which the institution has and whereas upon perusing a communication by the BCI addressed to one M/s Siddharth Law College, Gandhinagar is perused, it would be apparent that the Bar Council of India has reserved with itself the right to condone deficiency with retrospective effect. To clarify vide the communication referred to hereinabove it would appear that the college concerned had approached the BCI for extension of provisional temporary approval of affiliation to the college in question for academic year 2023-24 and for regularization of admission made during the academic years 2009-10 to 2022-23. The Bar Council of India while approving the first part of the request i.e for the academic year 2023-24, has as far as the second part is concerned, i.e. from the year 2009-10 to the year 2022 regularized the affiliation on the ground that the college had deposited the inspection fees as well as other fees.

4.1 It is also pointed out by learned Advocate for the BCI that the fees, are with regard to certain inspections etc. which had to take place from the

year 2009-2010 onwards and whereas since the same had not taken place, the BCI is precluded as per the Legal Education Rules from granting recognition to such Institutions.

4.2 The students from the said law college are not before this Court for obvious reason since the college has been granted retrospective recognition, students who have passed out from the said college have been granted enrollment.

5. It also appears that other than the college which is named in the communication dated 16.05.2024 of the BCI, referred to hereinabove, certain other colleges which were not parties to the litigation, have also paid the requisite fees, including inspection fee and whereas it is informed by the learned Advocate including learned Advocate for the BCI that the retrospective recognition has also been granted to such colleges. At this stages, attention of this Court is also drawn to the case of respondent no. 10 herein namely M/s Sheth Dosabhai Lalchand Law College, which is stated to have paid all the fees and whereas during the pendency of this petition, retrospective recognition has been granted to the said institution also.

6. The grievance being raised by the petitioners before this Court being

that the enrollment certificates of the candidates who have passed out from the institutions cannot be kept pending on account of the institutions not paying the requisite fees. It is also brought to the notice of this Court that while some of the respondent- colleges have shown inclination to pay the fees and whereas such colleges have sought for grant of installments to pay the fees, there are certain institutions, specifically the attention is drawn to respondent no. 7 -M/s K. P. Shah Law College, Jamnagar which institution is stated to have shown its complete inability to pay any fees. It is the case of the students that the institutions may or may not pay the fees as prescribed by the BCI for retrospective recognition, but, the enrollment certificate of the students may not be directed to be subject to such payment.

7. To this Court it would prima facie appear that there is substance in the submission made on behalf of petitioners-students. Perusing communication dated 16.05.2024 referred to hereinabove, it appears to this Court that the BCI has as a special case, decided to grant post facto/retrospective approval upon payment of inspection fees etc. by the colleges concerned. It would not appear to this Court that by paying the fees, more than a decade after the same has been payable any tangible difference would be made towards the education already imparted to the

students. To this Court it would also appear that the BCI may have formulated such a policy to ensure that all the legal requirements are fulfilled but at the same time to this Court it would appear that the BCI has missed out the most important aspect of this entire issue i.e. making appropriate provision with regard to the most important stakeholders in the dispute i.e the students who have already passed out their law courses during the years in question. It would appear to this Court that after a student has passed out from a law college, more particularly grant-in-aid colleges like the present colleges and where the student had been allotted a law college through university and where it is pointed out that even registration fees has been paid in student wise to the BCI, the enrollment of the students after having completed their course should not be held hostage on account of the institutions concerned not paying the requisite fees. The powers available with the BCI to grant concession in the matter of paying fees, i.e paying the requisite fees after more than a decade, should in the considered opinion of this Court not act as a hindrance in any manner whatsoever to the BCI in issuing appropriate enrollment certificates to the students in question.

8. This Court believes that enrollment certificates of the students are held up since the Institutions have either sought for time to make payment or have shown their inability to pay. Such a consideration to this Court may

not be reasonable and justified since payment of fees is an issue between the BCI and the institution and in case the institutions do not pay the requisite fees or pay the requisite fees after some delay, that should not preclude the BCI from appropriately issuing the enrollment certificates. It would appear in this regard to this Court that the Bar Council of India has only shown their inability to issue the enrollment certificates on the ground of Section 24 of the Advocates Act which inter alia precludes the BCI from issuing certificate from a university (which shall also be read as an institution) which is not recognized for such purpose by the BCI. To this Court it would appear that all the institutions concerned, would not be termed as unrecognized institutions *per se* because the recognition is now made subject to payment of fees by the BCI. Therefore, it would appear that the only irregularity in the recognition is with regard to non payment of requisite fees and therefore, to this Court it would appear that the institutions could not be termed as institutions which do not have recognition rather it could be said that the recognition of the institution is pending payment of fees by the institution to the BCI. To this Court it would appear that such non payment of fees should not and ought not to have hindered the BCI from granting enrollment to the students concerned and whereas if the institutions do not make appropriate payment then action against the institution by the BCI for prospective years or action against the institution

for recovery as per the regular mode of recovery as known to the law could have been undertaken by the Bar Council. To keep a student in suspended animation after having put in three/ five years education, i.e. to say that the student having completed his education is told that his enrollment as an Advocate would be subject to the institution paying the fees for years which he did his law or for years much before he did his law to this Court would be prima facie absolutely unjustified and arbitrary.

9. To this Court it would appear that before passing any orders at this stage, considering that the BCI has been recognized as the apex body regulating legal education through out the Country, therefore an opportunity is required to be granted to the BCI to have a rethink on the entire issue. As noted hereinabove while this Court does not and is not concerned with the BCI charging fees from the institutions for post facto/retrospective recognition but this Court prima facie is of the opinion that the BCI may not be justified in withholding the enrollment of the students who have passed their law courses from such institution more particularly this Court being of the prima facie opinion that such institution could not be treated as per se unrecognized institutions.

10. It is informed to this Court that the meeting of the Legal Education

Committee of BCI is scheduled on 05.07.2025. Hence, let the Bar Council of India through the Legal Education Committee take an appropriate decision as regards granting of enrollment certificate to the students in whose case the institutions have not paid the requisite fees retrospective recognition. It is further clarified that it would be open for the BCI to make appropriate provisions with regard to such institutions not paying the amount of inspection fees for retrospective/ post facto approval by taking action against the institutions with prospective effect and *or* taking action against the institutions for recovery of the amount of fees as per the normal mode as prescribed under the law. Let the decision which would be taken by the Legal Education Committee be placed on record of this Court by 14.07.2025. It is fervently hoped by this Court that the policy makers in the BCI/Legal Education Committee are alive to the plight of students involved in the present case. This Court notes that many of the colleges in the present case are from Tier II, Tier – III cities of the State and are also not the so called elite institutions. A student having completed his law course, yearning to earn a livelihood for himself and possibly for his family may not be precluded from doing the same since the colleges had not at the relevant point of time paid the requisite fees. As such the relevant fees being from the year 2009 -10 or thereabouts, the inaction of the BCI is also apparent on the face of it. The BCI is apparent has enough special powers and hopefully

the BCI would assuage the grievance of the petitioners and all such students.

11. It is clarified that all observations above are *prima facie* in nature. It is further clarified that the present order is passed subject to the submissions that would be made by all parties if the decision of the Legal Education Committee may not be in favour of the students concerned. List this matter on 15.07.2025.

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(NIKHIL S. KARIEL,J)