



IN THE HIGH COURT OF HIMACHAL PRADESH
AT SHIMLA

LPA No: 295 of 2024
Reserved on: 09.04.2025
Announced on: 24.07.2025

Inderpal Singh ...Appellant

Versus

Himachal Pradesh University & ...Respondents
Others

Coram:
Hon’ble Mr. Justice G.S. Sandhawalia, Chief Justice
Hon’ble Mr. Justice Ranjan Sharma, Judge

¹Whether approved for reporting ? Yes.

For the appellant: Mr. Ajay Sharma, Senior Advocate with
Mr. Atharv Sharma, Advocate.

For the respondents: Mr. Nitin Thakur, Advocate, for
Respondent No.1.

Mr. Arsh Chauhan, Advocate, for
Respondents 2 & 3.

Mr. Sunil Mohan Goel Senior Advocate
with Mr. Raman Jamalta Advocate. for
Respondent No 4

Ranjan Sharma, Judge.

Appellant-writ petitioner, Inderpal Singh, has
come up before this Court, assailing the judgement
dated 02.07.2024 [**referred to as the Impugned
Judgement**] passed by the Learned Single Judge in
CWP No. 2915 of 2023, In Re: Inderpal Singh vs
Himachal Pradesh University and Ors, whereby, the
recommendations dated 17.03.2023 [Annexure P-2]

¹ Whether reporters of Local Papers may be allowed to see the judgment?

made by the Enrolment Committee and order dated 24.03.2023 [Annexure P-1], passed by the Respondent No. 4-Bar Council of Himachal Pradesh, refusing to enroll the appellant-writ petitioner, as an advocate stands upheld ; and aforesaid orders are the subject matter in instant Letters Patent Appeal.

FACTUAL MATRIX:

2. Appellant-writ petitioner, Inderpal Singh had set-up a case that he passed his *B.A. First Year* from Government College, Nahan, in February, 2011. Thereafter, he passed B.A. 2nd Year in July, 2013. It is the case of the appellant-writ petitioner that he took admission in B.A. 3rd year and he could not qualify the paper of Environmental Studies, due to which he was given reappear-compartment by the University. For clearing the reappear-compartment, he again appeared for EVS Paper of B.A. 3rd Year in March, 2015 and after passing this paper, he was awarded BA Third-Final certificate on 27.07.2015 **[Annexure P-5 Colly in writ file]**.

2(i). It is averred that though the appellant was awarded reappear-compartment in the paper

of Environmental Studies in BA Third-Final Year yet, in June 2014, he got admission in Three Year LLB Degree Course in the Respondent No. 2 & 3 College. Thereafter, he submitted a representation on 09.09.2014 [Annexure P-7] requesting the respondents No. 2 & 3-College to give him provisional admission with the undertaking, that in case, he fails to qualify graduation, his provisional admission may be cancelled.

2(ii). It is averred that the appellant qualified BA Final-Third Year on 27.07.2015 [Annexure P-5, Colly] and Three Year's LLB Course on 17.11.2017 [Annexure P-8, Colly], and keeping in view these qualifications, the petitioner applied for enrolment as an Advocate with Respondent No. 4-Bar Council of Himachal Pradesh but since, no decision was taken regarding his enrolment, therefore, the appellant was compelled to filed a **CWP No. 1760 of 2018**, before this Court. This writ petition was listed on 22.03.2023 [Annexure P-1, Colly], when, it was disposed of in view of consideration order, refusing enrolment as Advocate, which was placed on record by the

Respondent No.4-Bar Council of Himachal Pradesh ;
reserving liberty to the petitioner to assail the said
order in appropriate proceedings.

2(iii). Feeling aggrieved, appellant-petitioner filed another petition, i.e. **CWP No 2915 of 2023**, assailing the orders dated 17.03.2023 [Annexure P-2] and the orders dated 24.03.2023 [Annexure P-1] whereby, the Respondent No.4-Bar Council of Himachal Pradesh, *refused to enroll the petitioner as an Advocate, on the ground, that he was admitted to Three Year LLB Course without possessing B.A-Graduation Degree* and therefore, the petitioner being ineligible could not be enrolled as an Advocate as per norms. The recommendations made by the Enrolment Committee for non-enrolment on 17.03.2023 and its approval given by the General House of the Respondent No 4-Bar Council on 24.03.2023 [Annexures P-2 & P-1] were assailed by the petitioner in the writ petition.

**STAND OF RESPONDENT No 1 -UNIVERSITY
BEFORE WRIT COURT:**

3. Respondent-University filed a reply-affidavit before the Writ Court, with the specific stand that as per Clause 6.15(a) [Annexure R-1, in writ file],

University accepted his candidature for examinations on the basis of the recommendations made by the respective Head of Institute of Respondent No 2 & 3 College and therefore, the writ petitioner was allowed to continue his LLB Course.

STAND OF RESPONDENT NO.4-BAR COUNCIL OF HIMACHAL PRADESH:

4. Respondent No 4-Bar Council of Himachal Pradesh, filed a reply-affidavit stating that on receipt of an application for enrolment as Advocate, the matter was forwarded to Enrolment Committee as per the decision taken by the General House of Bar Council on 05.11.2022. Reply-Affidavit indicates that the appellant-petitioner passed his Graduation -B.A. Degree on 27.07.2015 but he took admission in LLB in June 2014 and he appeared in LLB First Semester regular examination in November 2014 and the admission of the petitioner in Three Year LLB Course without passing B.A. Degree was not as per norms.

4(i). Reply-Affidavit indicates that in view of this discrepancy, Bar Council of Himachal Pradesh sought information from Himachal Pradesh University

on 01.12.2022, and in response to this, Respondent-University supplied requisite information on 30.12.2022 [Annexure R-4/3] pointing out that the petitioner had sought admission in Three Year LLB Course, in Respondent No.2-College i.e. Mata Bala Sundri of Legal Studies, Nahan, during the year 2014 but without completing B.A. Degree. The communication dated 30.12.2022 [Annexure R-4/3], further indicates that admission to Three Year LLB Course, without being a Graduate, was not as per norms and since respondent-College and the petitioner had concealed material facts, therefore, the admission was not in accordance with law.

4(ii). Reply-Affidavit, further indicates that the enrolment of eligible candidates as an Advocate is governed the Advocates Act, 1961 and the Bar Council of India Rules issued thereunder. The Reply-Affidavit indicates that Bar Council of India Rules deals with Rules on Standards of Legal Education and Recognition of Degree in Law for the purposes of enrolment as an Advocate also. Reply-Affidavit refers to *Rules of Legal Education Rules, 2008*

and Chapter-II thereof and Section 4 thereof provides that the admission to Three Year LLB Degree Course is to be granted after obtaining Bachelor's Degree in any discipline of studies from university or any other qualification considered as equivalent thereto by the Bar Council of India.

4(iii). Reply states that since appellant-petitioner had undertaken admission in Three Year LLB Degree Course before obtaining Bachelor's Degree, therefore, the case was referred to the Enrolment Committee who recommended non-enrolment of the petitioner as an Advocate. It was averred that since petitioner was not eligible for being enrolled as an Advocate, therefore, his application for enrolment was rejected by the *General House of Bar Council of Himachal Pradesh on 24.03.2023 [Annexure P-1]*, in view of the recommendation made by the Enrolment Committee of Bar Council of Himachal Pradesh on 17.03.2023 *[Annexure P-2]*. In this background, prayer was made for dismissing the writ petition.

STAND OF RESPONDENTS 2 & 3-COLLEGE:

5. Respondent No.3-College filed a separate

reply, stating therein, that at the time of granting admission, one Dr. S.K. Pandey, was working as Principal of the College, who was dealing with the affairs of admission and administration. It was averred that since the aforesaid Principal was not keeping good health, therefore, he went to his native place for treatment during the year 2014 but did not return back thereafter. It was averred that aforesaid Principal Dr. S.K. Pandey, gave admission to the petitioner in LLB Course on an application. It is stated that the admission of petitioner in Three Year LLB Course, at the behest of the Principal was under some bonafide mistake as the petitioner having been awarded re-appear in the paper of Environmental Studies in BA-3rd year therefore, could not have been granted admission in LLB Course.

5(ii). Reply-Affidavit further indicates that no new admission is being granted for the last two years in the said college due to some accommodation problem which led to the passing of an eviction order passed by Learned Rent Controller concerned. However, Reply-Affidavit further indicates that the

petitioner had applied for admission to Three Year LLB Course, knowing his ineligibility, and now he has no right to blame the college for the said admission.

IMPUGNED JUDGMENT DATED 02.07.2014
BY LEARNED SINGLE JUDGE:

6. CWP No 2915 of 2013, was decided by Learned Single Judge on 02.07.2024, whereby, the orders dated 17.03.2023 [Annexures P-2] passed by Enrolment Committee of Bar Council recommending non-enrolment and orders dated 24.03.2023 [Annexures P-1] passed by the General House of Bar Council of Himachal Pradesh {Respondent No 4} in accepting recommendation made by the Enrolment Committee ; resulting in denying the Enrolment to the appellant -writ petitioner as an advocate was upheld. The operative part of the judgment dated 2.7.2024 passed by Learned Single Judge, reads as under:-

4(ii)(e) In the instant case, the **question is** entirely different. **The petitioner was very well aware at the time, when he took admission in LL.B three years Degree Course that he had not passed the B.A. examination.** He was also aware about the eligibility condition that he ought to have qualified B.A. degree before taking admission to LL.B three years degree course. It is

for that reason, he had also furnished an undertaking in form of a letter that he was taking provisional admission and further that his provisional admission was liable to be cancelled if he could not complete his Bachelors Degree. Notwithstanding this, the fact remains that the decision taken by respondent No.4-Bar Council of Himachal Pradesh for not admitting the petitioner as an Advocate on its rolls cannot be faulted. **The Bar Council's decision not to enroll the petitioner as an Advocate on its rolls is within the four corners of the powers and jurisdiction vested in it under the Advocates Act and the Bar Council of India Rules.** It has not been demonstrated by the petitioner that impugned decision of the Bar Council of Himachal Pradesh was not in accordance with law, the Advocates Act and the Bar Council of India Rules. Impugned orders dated 17.03.2023, 24.03.2023 and decision of the Enrollment Committee at Annexure P-4 (colly) **refusing to enroll the petitioner as an Advocate on rolls of the Bar Council of Himachal Pradesh, do not call for any interference.**

No other point was urged.

5. For the foregoing reasons, the instant petition is dismissed. Pending miscellaneous application(s), if any, shall also stand disposed of.

If so advised, petitioner is at **liberty to seek appropriate remedy in accordance with law before appropriate forum, for his claim of damages**, which has not even been urged during hearing, and, which in the given facts and circumstances cannot be adjudicated in this petition.”

**GROUNDSS ASSAILING IMPUGNED JUDGMENT
DATED 02.07.2024 IN LPA:**

7. Appellant-petitioner [Inderpal Singh] assailed, the Impugned Judgment dated 02.07.2024 [Annexure AX] passed by the Learned Single Judge on the ground that *firstly*, the judgment has been passed without taking into consideration the facts and circumstances and by misreading and mis-application of the facts; and *secondly*, the Respondent No.1-University and Respondent No.2-College had made the petitioner to suffer without any fault attributable to him by penalizing him for the errors committed by the College and the University; and *thirdly*, the irregularity in admission to Three Year LLB Course was liable to be corrected by the Respondent No.4-Himachal Pradesh Bar Council; and *fourthly*, the orders refusing enrolment without giving an opportunity of hearing, has visited the petitioner with civil consequences without any fault attributable to him; and *lastly*, refusal of enrolment as an Advocate was contrary to the mandate of law passed by the Hon'ble Supreme Court in **A Sudha** vs. University of Mysore and another, [AIR 1987 SC 2305], **Rajendra Prasad Mathur** vs. Karnataka University and another, AIR 1986

SC 1448 and judgment of the Madras High Court in **P. Raji** vs. The Secretary along with connected matters, WP No 44224 of 2016, decided on 23.07.2018.

8. Heard Mr. Ajay Sharma, Senior Counsel assisted by Mr. Atharv Sharma, Learned Counsel for the appellant and Mr. Nitin Thakur, Learned Counsel for respondent No.1 as well as Mr. Arsh Chauhan, Learned Counsel for respondents No.2 & 3 and have gone through the case records.

9. Before adverting to the rival contentions, it is necessary to have a recap of the statutory provisions, in the Advocates Act 1961 regulating the norms for “conferment of Three Year Bachelor’s Degree in Law” and norms governing “Enrolment as an Advocate” with the State Bar Council.

9(i). The relevant provisions of Section 7, Section 24 and Section 49 of the Advocates Act read as under ;

7. (1) The functions of the Bar Council of India shall be:-

(a) to (g) ...not relevant...

(h) to promote legal education and **to lay down standards of such education** in consultation with the Universities in India imparting such education and the

State Bar Councils;

(i) to **recognize Universities whose degree in law shall be a qualification for enrolment as an advocate** and for that purpose to visit and inspect Universities or cause the State Bar Councils to visit and inspect Universities in accordance with such directions as it may give in this behalf ;

24. **Persons who may be admitted as advocates on a State roll:-**

(1) Subject to the provisions of this Act, and the rules made thereunder, **a person shall be qualified to be admitted as an advocate** on a State roll, **if he fulfils the following conditions**, namely:—

(a)& (b) ...not relevant...

(c)(iii). after the 12th day of March, 1967, save as provided in sub-clause (iiia), after undergoing a three-year course of study in law from any University in India which is recognized for the purposes of this Act by the Bar Council of India; or

(c)(iii-a). after undergoing a course of study in law, the duration of which is not less than two academic years commencing from the academic year 1967-68 or any earlier academic year from any University in India which is recognized for the purposes of this Act by the Bar Council of India; or

49. **General power of the Bar Council of India to make rules :-**

(1) The **Bar Council of India may make rules for discharging its functions under this Act**, and, in particular, **such rules may prescribe-**

(a) to (a-e)...not relevant...

(af) the **minimum qualifications required for admission to a course of degree in law** in any recognized University;

(ag) **the class or category of persons entitled to be enrolled as advocates;**

(ah) to (c)not relevant...

(d) the **standards of legal education to be observed by Universities in India** and the inspection of universities for that purpose;

(e) to (j). ...not relevant...

9(ii). In exercise of powers vested under Section 7, 24 and 49 of the Advocates Act, and in order to regulate the legal education, which is a pre-requisite for enrolment as an Advocate, the Bar Council of India has notified the **Rules for Legal Education 2008**, and the provisions, as applicable in instant case, reads as under:

Rule 2(vi) **Bachelor degree in law**" means and includes a degree in law conferred by the University recognized by the Bar Council of India for the purpose of the Act *and includes* **a bachelor degree in law after any bachelor degree in science, arts,** commerce, engineering, medicine, or any other discipline of a University ***for a period of study not less than three years or*** an **integrated bachelor degree** combining the course of a first bachelor degree in any subject and also the law running together in concert and compression for not

less than a period of five years after 10+2 or 11+1 courses as the case may be.

2(xxiii) “Regular Course of Study” means and includes a course which runs for at least five hours a day continuously with an additional half an hour recess every day and running not less than **thirty hours of working schedule per week.**

2(xxv) “Rules” means on ‘Rules of Legal Education’.

Rule 4. Law Courses

There shall be two courses of law leading to Bachelor’s Degree in Law as hereunder,

4(a) **A three year degree course in law undertaken after obtaining a Bachelors’ Degree** in any discipline of studies from a University or any other qualification considered equivalent by the Bar Council of India.

Provided that admission to such a course of study for a degree in law is obtained from a University whose degree in law is recognized by the Bar Council of India **for the purpose of enrolment.**

4(b) ...not relevant...

Rule 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 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.**

Rule 16. Conditions for a University to affiliate a Centre of Legal Education
...not relevant...

Rule 43. Dispute Resolution Body

The Legal Education Committee of the Bar Council of India shall be the dispute resolution body **for all disputes relating to legal education**, which shall follow a procedure ensuring natural justice for such dispute resolution as is determined by it.

10. In the backdrop of the factual matrix and the statutory provisions, as applicable, this Court proceeds to analyze the contentions of the Learned Senior Counsel, for the appellant herein-under:

ANALYSIS OF APPELLANT:

10(i). *First contention* of Learned Senior Counsel for the appellant-petitioner is that the Impugned Judgment dated 02.07.2024 has been passed without appreciating the facts and the material on record.

The above contention is misconceived, for the reason, that Learned Single Judge has duly considered the factual matrix and has discussed

the scope and applicability of Advocates Act and Legal Education Rules 2008, notified by Bar Council of India and the provision of Rule 4(a) and Rule 5 (a), thereof, which mandates that the admission to the Three Year Degree Course in law can be undertaken after obtaining Bachelor's Degree in any discipline of studies from university or any other qualification considered as equivalent by the Bar Council of India. In the teeth of these Rules, the Learned Single Judge has recorded a finding that appellant-writ petitioner was admitted to LLB Three Year Course in June 2014 by the Respondents No. 2 & 3-College but without being a Graduate, as the appellant had passed his Graduation [B.A] only on 27.07.2015. Perusal of Rule 2(vi) and Rule 4(a) and Rule 5(a) of the Legal Education Rules 2008, prescribes that a person has to satisfy **twin conditions before enrolment** as an advocate i.e. **firstly**, a possesses a Bachelors degree of not less than three year in arts, science, or any other discipline from a University established by an act of Parliament or a State Legislature etc. and **secondly**,

after graduation to undertake three year degree in law, on successful completion of regular program conducted by a University whose degree in law is recognized by the Bar Council of India. The material on record in the writ file, ex-facie establishes that the appellant was not a Graduate [BA-Arts], when, he secured admission to Three Year Law Course. In these circumstances, once for want of Graduation {BA, in this case} the appellants admission to Three Year LLB Degree Course from the Respondent No 2 & 3 College, was contrary to and dehors the Rules, then, the refusal of the Enrolment Committee as well as General House of Respondent No 4-Bar Council of Himachal Pradesh to enroll the appellant-writ petitioner as an advocate in terms of the orders dated 17.03.2023 [Annexure P-2] and on 24.03.2023 [Annexure P-1], do not suffer from any infirmity. Thus, the contention of Learned Senior Counsel for the appellant, is devoid of any merit and is turned down.

10(ii). *Second contention* of Learned Senior Counsel for the appellant-writ petitioner is that he has been

made to suffer without any fault attributable to him and due to the omissions on the part of the Respondent-University and Respondents 2 and 3-College.

The above contention of Learned Senior Counsel is misconceived. It is the own case of appellant-writ petitioner that though he appeared in BA Third Year Examination in March 2014 but he was given reappear-compartment in the paper of environmental studies. The appellant attempted his reappear paper in March 2015 and after passing the aforesaid paper, *he was declared successful in Graduation-BA-Course by University on 27.07.2015 {Annexure P-5}* whereas the appellant-writ petitioner *had already secured admission in Three Year LLB Course in June 2014 in Respondent 2 & 3-College, despite not being a Graduate at the relevant time. Moreover, the appellant knew about his ineligibility at the time of his admission to Three Year LLB Course, for not being a Graduate, which is borne out from the application submitted to the College on 09.09.2014 [Annexure P-7], admitting that in*

case, he fails to clear his reappear in paper of environmental studies of BA Third Year then, his admission to the Three Year LLB Course may be cancelled. Even a perusal of *Rule 2(vi) read with Rule 4(a) and Rule 5 (a) of the Rules of Legal Education*, mandates that the admission to Three Year Degree Course could be accorded only to those who possess Bachelor's Degree [Graduation] in any discipline of studies from a university. Further, perusal of communication dated 30.12.2022 *Annexure R-4/3* sent by the Respondent-University to the Respondent No.4-Bar Council of Himachal Pradesh negates the claim of appellant for enrolment, stating that appellant petitioner passed his Graduation/BA Degree subsequently (on 27.07.2015) whereas Principal of the Respondent No.2-College had already granted admission to him in the Three Year LLB Course earlier (in June 2014), despite being ineligible. This communication indicates concealment of material facts by petitioner as well as the College Authorities, which had led to the improper admission of the appellant in Three Year LLB course. Even Reply-Affidavit filed

by Respondent No.2-College admits that the then Principal of the College, who was in-charge of the admission and administration granted admission to the petitioner in LLB Course, due to bonafide mistake. Moreover, the appellant-writ petitioner himself has chosen to secure admission to Three Year LLB Course from Respondent 2 & 3-College, despite his ineligibility. Appellant has not been able to establish his eligibility while securing admission to Three Year LLB Course, (being not a graduate). Nothing has been placed on record before Writ Court and even in the instant proceedings (LPA) to establish that the appellant-writ petitioner was eligible at time of securing admission to Three Year LLB Course (not being a graduate). In this scenario, once appellant-petitioner had secured admission to the Three Year Law Course (in June 2014) without possessing the essential qualification of Graduation-Bachelor's Degree (which was passed on 27.07.2015). Thus, once for want of Graduation, the admission of the appellant-writ petitioner to LLB Course was bad (being ineligible) therefore, neither any locus nor any right can be said to have accrued

to the appellant, an ineligible incumbent, so as to seek enrolment as an advocate, de hors the Rules. Accordingly, the Impugned Judgment and impugned orders refusing to enroll the appellant-writ petitioner as an advocate [vide Annexures P-2 & P-1 in writ file], do not suffer from any infirmity.

10(iii). *Third* contention of Learned Senior Counsel is that the irregularity in granting admission to Three Year LLB Course can be cured by Respondent No.4-Himachal Pradesh Bar Council, as appellant had incurred expenses and has put in Three Year in pursuing LLB Course.

The above contention of Learned Senior Counsel for appellant is without any merit, for the reason, that “**right of enrolment as an Advocate**” accrues to a person, who fulfils the “**twin conditions**” i.e. who possesses Three Year Bachelor’s Degree in any discipline from a University established by an act of Parliament or a State Legislature **and** after passing Graduation, such a person was admitted to Three Year Law Course and on successful completion of regular program conducted by a University whose

degree in law is recognized by the Bar Council of India, in terms of the Rules for Legal Education, notified by Bar Council of India, including Rule 2 (vi) read with Rule 4(a) and Rule 5(a) of Rules of 2008. Notably, requirement of eligibility to a course is mandatory. Prescription of eligibility for admission to a course flowing from Statutory Enactment or Rule issued thereunder has the force of law and such prescriptions cannot be diluted in any manner. Diluting or easing out prescribed mandates, relating to eligibility for admission to a course shall lead to educational chaos, which shall result in disturbing the entire education system, except in eventualities, same is expressly permitted under the Statute or Rules. No such eventuality has been pointed out, in instant case. *Contention of Learned Senior Counsel* that the eligibility conditions may be eased out, by treating them to be directory, in order to meet out and eradicate hardships or suffering caused to the appellant-writ petitioner, is without any merit, for the reason, that it is the appellant-writ petitioner, himself chose a route for securing admission to

Three Year Law Course, contrary to and de hors the norms, despite being ineligible, for want of Graduation Degree as mentioned above. The inaction or wrong doings of appellant-writ petitioner himself in securing admission cannot be permitted to be made the basis for diluting or easing out the mandatory norms, so as perpetuate illegality. Non-fulfilment of the mandatory eligibility conditions prescribed in norms governing admission to a course of study is an illegality. Hardships or sufferings if any, caused due to an erroneous admission to a course of study cannot be sought for or claimed to be ratified, when, a person seeking admission was ineligible and factum of ineligibility was within his knowledge, as in instant case. Even, ignorance of law is no excuse and the appellant herein has neither any locus nor any right to seek rectification of an illegality in admission to LLB Course made de hors the norms, and this inherent ineligibility has resulted in rendering the appellant-petitioner as “ineligible for enrolment as an advocate”, in terms of the Statute and Rules, as discussed hereinabove. In these circumstances,

the Impugned Judgement passed by Learned Single Judge and impugned orders dated 17.03.2023 and 24.03.2023, denying enrolment to the appellant as an Advocate, does not warrant any interference in the instant proceedings.

10(iv). *Fourth* contention of Learned Senior Counsel that the Enrolment Committee and Bar Council has refused to enroll the appellant as an Advocate, as per communications dated 17.03.2023 and on 24.03.2023 {Annexures P-2 & P-1 in writ file} without affording an opportunity of hearing, resulting in civil consequences.

Though the above contention appears to be attractive but on scanning the material on record in writ file, this Court is of the considered view, that as per Rule 2(v) read with Rule 4(a) and Rule 5(a) of the Rules for Legal Education, *a person could seek admission to the Three Year Bachelor's Degree Course in Law only after being a Graduate in any discipline from a University established by law and upon successful completion of regular course, such a person could be enrolled*

as an advocate. In backdrop of the Rules, once appellant-petitioner knew that he did not possess Graduation Degree at the time of securing admission to Three Year LLB Course in June 2014 *and* this fact is corroborated from the communication dated 09.09.2014 {Annexure P-7} sent by the appellant to the College admitting that he was not a Graduate and in case he fails to qualify Graduation, then, provisional admission to the Law Course may be cancelled. Material on record reveals that appellant-writ petitioner acquired and passed Graduation on 27.07.2015, Annexure P-5, {after clearing reappear-compartment}.

Thus, in these circumstances, once the admission of appellant-writ petitioner to Three Year Law Course was dehors the Rules and the appellant had knowledge of his ineligibility, therefore, the *indisputable /admitted ineligibility of the appellant-writ petitioner while securing admission to Three Year Law Course is enough to negate the plea of violation of principles of natural justice*, for the reason, that the Respondent No 4-Bar Council of

Himachal Pradesh cannot be compelled to enroll the appellant-writ petitioner as an Advocate, contrary to and de hors the mandate of the Statute and the Rules. The plea of non-compliance of principles of natural justice is neither attracted nor applicable when, the appellant herein, has not been able to point out any provision, {based on Advocates Act or Rules} to establish that his admission to Three Year Law Course, without being a Graduate, will still confer eligibility or a right to be enrolled as an advocate. Accordingly, the plea of Learned Senior Counsel alleging violation of natural justice despite having knowledge that his admission to LLB Course was *de hors* the statute and rules, which shall only perpetuate illegality, and therefore, the contention of Learned Counsel is turned down.

10(v). *Last* contention of Learned Senior Counsel for appellant-petitioner that the Impugned Judgment dated 02.07.2024 passed by the Learned Single Judge is contrary to law in the case of **A Sudha [AIR 1987 SC 2305]; Rajendra Prasad Mathur [AIR 1986 SC 1448]** and **P. Raji [W.P. No. 44242/**

2016, decided on 23.07.2018].

The above contention of Learned Senior Counsel is misplaced, as the judgements in the case of **Rajendra Prasad Mathur** and **A Sudha** (*supra*) are not applicable in facts and circumstances of instant case. The fact-situation in instant case is altogether different from the factual matrix in the cases of **A Sudha, (supra)** which related to admission of a candidate in MBBS Course, wherein, ineligible incumbents were sent communication by management /principal of college by admitting them to MBBS Course. In the case of **Rajinder Mathur, (supra)**, the incumbent therein was given admission, to the engineering Course, involving interpretation of 10+2 system of Education vis-à-vis PUC and the admission granted was cancelled, but due to interim orders the aforesaid incumbent and several others continued the Course and by judicial intervention, they were allowed to continue the engineering course. So far as the judgment in the case of **P. Raji** (*supra*) is concerned, the Learned Single Judge has discussed its non-applicability in the judgment, wherein, the

issue was as to whether qualification of 10th and +2 examination passed privately without persecuting a regular course will render a person eligible for admission to Three Year LLB course or not.

In the instant appeal, the factual matrix, is at variance, wherein, the appellant-writ petitioner despite having knowledge about his ineligibility, had applied and was thereafter admitted to Three Year LLB Course without having passed Graduation which is a *sine qua non* for admission to Three Year LLB Course under the Advocates Act, Bar Council Rules and Rules of Legal Education [Rule 2(vi), Rule 4(a) and Rule 5(a)] coupled with communication submitted by appellant to the Respondent 2 & 3 -College, dated 09.09.2014 [Annexure P-7] admitting his ineligibility for not possessing the Graduation Degree. Further Learned Senior Counsel for appellant has not been able to point out any provision in the statute or the statutory rules to establish the eligibility of appellant-writ petitioner “for admission to the Law Course without being a Graduate” and further the “illegality in admission shall not constitute

an ineligibility for enrolment as an advocate” then, in the absence of violation of any right under a Statute or Rules, ***no mandamus can be issued so as to command Respondent No 4-Bar Council of Himachal Pradesh to enroll the appellant-writ petitioner despite his ineligibility and that too dehors the Statute / Rules, is impermissible.*** In these circumstances, the Impugned Orders passed by Bar Council of Himachal Pradesh, refusing to enroll the appellant-writ petitioner as an Advocate does not suffer from any perversity, infirmity or illegality and the Impugned Judgment passed by Learned Single Judge upholding these orders, do not warrant any interference in these proceedings.

CONTENTIONS OF RESPONDENTS No 4:

11. Learned Senior Counsel, Mr Sunil Mohan Goel, for Respondent No 4-Bar Council of Himachal Pradesh, supported the orders dated 17.03.2023 and the orders dated 24.03.2023 {Annexures P-2 and P-1, in writ file} and the Impugned Judgement dated 02.07.2024, asserting that a valid admission to the Three Year Law Course, after Graduation *and upon*

successful completion of such regular course is a sine qua non for enrolment. Since no right has been violated therefore, the refusal to enroll him as an advocate in accordance with applicable norms, is legal and valid and appellant-writ petitioner cannot claim any benefits dehors the established norms. Moreover, a perusal of Para 59 of the judgment in case of **P. Raji**, (supra) negates the plea of the appellant-writ petitioner herein, in the following terms:-

“59. In view of the observations above, we hold that **candidates who have obtained the Three Year LLB Degree from a University** established by statute, recognized by the University Grants Commission, approved affiliated Centre of Legal Education/ Departments of the recognized University as approved by the Bar Council of India **for the purpose of enrolment, after graduating from Universities established by statute by prosecuting regular Bachelor's Degree courses, shall not be refused enrolment.** Once a degree is found to be authentic, it is not for the Bar Council to go behind the degree and enquire into the eligibility of the candidates to take admission in the University.”

Even, the judgment in the case of **P. Raji (supra)** mandates, that enrolment as advocate, is to be accorded to candidates who possess the

Graduation in any discipline and thereafter apply and are admitted to regular Three Year Bachelors Law Course and on successful completion of said Course are enrolled with the State Bar Council(s). In the instant case, once the admission to LLB was secured by the appellant-writ petitioner without possessing the Graduate Degree then, as per the judgment in the case of **P. Raji** (supra) and the Statute i.e. [Advocates Act and Bar Council of India Rules, including Rules on Legal Education Rules, including Rule 4(a) and Rule 5(a)] therefore, the enrolment of ineligible candidates, as an advocate cannot be claimed or granted de hors the law.

CONTENTIONS OF RESPONDENTS No 1 & 2:

12. Learned Counsel appearing for Respondent-University and College has supported the impugned judgement, contending that once the appellant-writ petitioner has secured admission to Three Year LLB Course with open eyes, knowing his ineligibility and was aware of the consequences flowing therefrom, therefore, the appellant-writ petitioner cannot turn around and claim benefits de hors the Statute and

the Rules, as referred to above.

CONCLUSION:

13. Undisputedly, the appellant-writ petitioner passed Graduation {B.A. IIIrd Year Degree Course} from the Respondent No 1-University on 27.07.2015 [Annexure P-5], after passing the reappear-compartment-supplementary in one Paper. In the month of June 2014, knowing his ineligibility, that he was not a Graduate at that point of time, the appellant-got admission in Three Year LLB Degree Course in Respondents 2 and 3 College. Material on record indicates that the appellant-writ petitioner submitted representation on 9.9.2014 [Annexure P-7] that his provisional admission may be continued, admitting himself to be not eligible for admission to Three Year LLB Course. Despite ineligibility, the Respondents 2-3 College, for reasons known to college forwarded his candidature for continuance in Three Year Law Course and he passed the Course on 17.11.2017 [Annexure P-8]. After passing the Law Course, the appellant-writ petitioner applied for enrolment with Bar Council of Himachal Pradesh and in view of

the inherent ineligibility in admission, the application for enrolment was forwarded by General House of Bar Council to Enrolment Committee on 5.11.2022 and after due consideration, the Enrolment Committee of the State Bar Council recommended his non-enrolment on 17.03.2023 [Annexure P-2], and this was approved by General House of Bar Council on 24.03.2023 [Annexure P-1].

The claim of the appellant-writ petitioner for enrolment as an advocate, and the impugned orders passed by the Respondent No 4-Himachal Pradesh Bar Council, refusing enrolment, which were upheld by Learned Single Judge does not warrant any interference, in the instant proceedings. **Firstly,** as per the mandate of Section 7, 24 and 49 of the Advocates Act and Rules of Legal Education, 2008 notified by the Bar Council of India and Rule 2(vi), Rule 4(a) & Rule 5(a), a person could *only be admitted* in Three Year Bachelor's Law Course, only after passing Bachelor's Degree in any discipline of studies from a University or any other qualification considered equivalent by Bar Council of India *and*

on successful completion of the regular programme conducted by the University, for enrolment with the Bar Council ; and **secondly**, a combined reading of Rules of Legal Education, 2008 establishes that appellant-writ petitioner was granted admission to Three Year LLB Degree Course without being a Graduate; and **thirdly**, once the Three Year LLB Degree Course was passed without being a Graduate then, the appellant-writ petitioner was ineligible for admission and for being conferred the LLB Degree and also for enrolment in the teeth of Rule 2(vi) and Rule 4(a) and 5(a) of Legal Education Rules; and **fourthly**, the appellant herein has admitted his ineligibility for admission to Law Course, in communication dated 09.09.2014 [Annexure P-7], sent by him to the College; and **fifthly**, once the appellant had secured admission in Three Year LLB Degree Course, without being a Graduate then, the prescription of eligibility for admission to a course flowing from Statutory Enactment or Rule issued thereunder has force of law and such prescriptions cannot be diluted in any manner. Diluting or easing

out prescribed mandates, relating to eligibility for admission to a course shall lead to educational chaos, which shall result in disturbing the entire education system, except in eventualities, when, the same is expressly permitted under the Statute or Rules. No such eventuality has been pointed out, in the instant case; and **sixthly**, the mandatory eligibility conditions for admission to course, its successful completion and thereafter for enrolment, which accrue from a composite scheme under the Rules cannot be eased out, by treating these prescriptions to be directory; and **seventhly**, once the appellant-writ petitioner himself chose a route for securing admission to Three Year Law Course, contrary to and de hors the norms, despite being ineligible, for want of Graduation Degree then, the inaction or wrong doings or individual hardships or sufferings cannot be a ground, for seeking easing out or ratifying the wrong doings, contrary to the mandatory prescriptions, and permitting this, will perpetuate illegality; and **eighthly**, non-fulfilment of eligibility conditions prescribed in norms, governing

admission to a course of study is an illegality and ignorance of law is no excuse and the appellant-writ petitioner has neither any locus nor any right to seek rectification of an illegality in admission to LLB Course made de hors the norms”, and this inherent ineligibility has resulted in rendering the appellant-writ petitioner “ineligible for enrolment as an advocate” in terms of the Statute and Rules ; and **ninthly**, the appellant has not been able to point out any provision in the applicable statute or statutory rules to establish his eligibility “for admission to the Three Year Law Course without being a Graduate” and also that the “illegality in admission shall not operate as an ineligibility for enrolment as an advocate” in the instant case; and **tenthly**, the appellant-writ petitioner has not been able to assert his right for validating his admission and for permitting enrolment as an advocate under a Statute or Rules and therefore, no mandamus can be issued so as to command the Respondent No 4-Bar Council of Himachal Pradesh to enroll the appellant-writ petitioner as an advocate, despite

his ineligibility and that too dehors the mandate of the Statute / Rules ; and **lastly**, the appellant-writ petitioner has not been able to point out any provisions of Himachal Pradesh University to establish that reappear-compartment in one paper of BA Final-Third Year taken in March, 2015 and qualified on 27.07.2015 [Annexure P-5 Colly in writ file] was to relate back to date he had passed other papers of B.A 3rd Year Final Year in March 2014; *and* the appellant-writ petitioner has failed to avail the remedy before the designated Dispute Resolution Body of the Bar Council of India, {as mandated under Rule 43 (if any) of the Rules of Legal Education ; *and* the power vested in Bar Council to enrol a class or particular category of person would also include the power to refuse enrolment, as has been done in instant case, in view of the ineligibility of appellant-writ petitioner while securing admission to Three Year Law Course *and* once the admission was vitiated, being contrary to and dehors the Statute /Rules rendering the foundation order bad {i.e. admission to Law Course, being not

a Graduate} then, the edifice or structure built thereon {Law course} shall automatically fall ; *and* the plea of violation of natural justice is neither attracted nor can it be invoked, when, the appellant had admitted and acknowledged his ineligibility, in terms of the Statute and the rules, while securing admission to the said Law Course *and moreover, when,* the appellant-writ petitioner has not questioned the provisions of Section 7, 24, 49 (1) (ag) of the Advocates Act and the Rules, which deny or refuse the enrolment as an advocate to the appellant-writ petitioner in these proceedings. Permitting or granting leverage either to the candidates and/or to the Institutes to resort to admissions of ineligibles de hors the established and applicable norms, shall be an illegality, which shall adversely affect the standards of education and bring inefficiency in legal profession *and* thus, the prescribed standards, cannot be permitted to be eased out or diluted, just to enable the appellant-writ petitioner to seek ratification or to undo his known and admitted wrongs or inactions, in facts and circumstances of

the instant case.

14. Based on the above discussion, this Court is of the considered view, that Impugned Judgment dated 02.07.2024 passed by the Learned Single Judge in CWP No. 2915 of 2023, In re: Inderpal Singh versus Himachal Pradesh University and Others, does not suffer any perversity, infirmity or illegality and the judgment has been passed after due appreciation of the facts, statutory provisions and the material on record, does not warrants any interference in the instant intra-court appeal and the same is accordingly upheld.

15. Prayer no (b) below Para 18 of the writ petition, regarding the claim for damages, which was not pressed before the Learned Single Judge is also not pressed by Learned Senior Counsel for the appellant in the instant appeal.

16. No other point is argued or pressed in the instant appeal.

DIRECTIONS:

17. In view of the above discussion and for the reasons recorded hereinabove, the instant

Appeal, is dismissed, *in the following reasons:-*

- (i). Impugned Judgment dated 02.07.2024, passed by Learned Single Judge in **CWP No. 2915 of 2023**, In Re: Inderpal Singh versus Himachal Pradesh University & Ors., is upheld ;
- (ii) Impugned orders i.e. recommendations dated 17.03.2023 [Annexure P-2] made by Enrolment Committee and its approval by General House of Respondent No-4- Council on 24.03.2023 [Annexure P-1], refusing to enroll the appellant-petitioner as an Advocate, is upheld ;
- (iii). Directions contained in Para 5 of Impugned Judgment dated 02.07.2024 qua damages are reiterated ; and/or to seek appropriate remedy, by way of Dispute Resolution Body of the Bar Council of India, if any {under Rule 43, of Rules of Legal Education} ; if so desires ;
- (iv). Parties to bear respective costs.

In aforesaid terms, the instant appeal and all pending miscellaneous application(s), if any, shall also stand disposed of.

(G.S. Sandhawalia)
Chief Justice

July 24, 2025
[tm]

(Ranjan Sharma)
Judge