

MEMORANDUM OF WRIT PETITION MISC. PETITION
(UNDER Order 11 Rule 14 R/w SEC. 151 OF THE C.P.C.)

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

I.A.No of 2020

IN

W.P. NO. 5200 OF 2020

Between:

Bilal Ahmed Syed

..Petitioner

AND

1. Bar Council of India,
Rep. by its Secretary,
21, Rouse Avenue Institutional Area,
Near Bal Bhawan, New Delhi - 110 002

2. Bar Council of Andhra Pradesh,
Rep. by its Secretary,
High Court Buildings, Nelapadu,
Guntur.

..Respondents

For the reasons stated in the affidavit filed in support of the above Writ Petition it is hereby prayed that this Hon'ble Court may be pleased to call for the entire Minutes of the High Powered Committee and the entire note file from the office of the 1st respondent and pass such other order or orders may deem fit and proper in the circumstances of the case.

Amaravati
DATE: 26.05.2020

Counsel for the Petitioner

FAIR LIST CASE DT: 27.05.2020
Before Hon'ble KVLJ

Krishna District

IN THE HIGH COURT OF ANDHRA
PRADESH AT AMARAVATI

I.A.NO. OF 2020

IN

W.P. NO. 5200 OF 2020

DIRECTION PETITION

Filed by:

M. SOLOMON RAJU
Advocates
Counsel for Petitioner

HIGH COURT

WRIT PETITION MISC.PETITION

I.A. NO. OF 2020

IN

W.P. NO. 5200 OF 2020

Krishna District

S. Bilaal Ahmed

... Petitioner

By

M. SOLOMON RAJU (14658)

NATURE OF APPLICATION

(UNDER Order 11 Rule 14 R/w SEC. 151
C.P.C.)

This Hon'ble Court may be pleased to call for the entire Minutes of the High Powered Committee and the entire note file from the office of the 1st respondent and pass such other order or orders may deem fit and proper in the circumstances of the case.

PRESENTED ON: 26.05.2020

REPRESENTED ON:

FILED ON: 26.05.2020

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

W.P. NO. 5200 OF 2020

Between:

Bilal Ahmed Syed

..Petitioner

AND

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Rep. by its Secretary,
21, Rouse Avenue Institutional Area,
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Rep. by its Secretary,
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Guntur.

..Respondents

REPLY AFFIDAVIT FILED BY THE PETITIONER

I, Bilal Ahmed Syed

do hereby

solemnly and sincerely affirm and state as follows:

1. I submit that I am the Petitioner herein and as such I am well acquainted with the facts of the case. I pray this Hon'ble Court may be pleased to read the affidavit filed in support of the main writ petition be read as part and parcel of this affidavit, to avoid repetition of facts. All the allegations of the respondent No: 1 are denied, except that of those are admitted.

2. In reply to para 1 and 2 of the counter, I submit that they are formal paras and needs no specific reply.

3. In reply to para 3 of the counter, I submit that the exam conducted by the 1st respondent is not Academic Exam. The writ petition is maintainable in all respects for the reason, there is no reasoning for

withholding the result of the petitioner. After, I filed IA No: 2/2020, another notification dated 16.05.2020 was released thereby notifying 810 Advocates who are present, however, their names were not published either in pass list or in disqualified list. It is shown that they are present and requested to appear to the exam in August, 2020.

4. In reply to para 4 and 5 of counter, I submit that are with respect to the functioning of the BCI and that is no way concerned with merits of the case.

5. In reply to para 6 to 8 of counter, I submit that the AIBE Exam – XIV was held on 15.09.2019 and an email dated 17.09.2019 was addressed from the Agency highlighting the issues and the same was considered on 21.09.2019 by the High Powered Monitoring Committee. It seems there is something fishy for the reason, when the Agency addressed an email as early as 17.09.2019, till 06.02.2020 no decision was taken up. As seen from counter, on 21.09.2019 itself there was decision to withhold results pertaining to 9 State Bar Councils, thus throwing the Advocates life into a ditch. The Agency is not Sovereign Agency, mere email of the Agency with regard to cheating with respect of 1 or 2 candidates does not bar the other candidates to know their results. The respondent is blowing hot and cold for the reason, after filing of the present writ petition, the respondent released two different lists and in List –A he published the Advocates who failed earlier to Pass. Thus List A is Failed to Pass Advocates, on other side, he states that the candidates appeared in GITAM University, Visakhapatnam are fail/disqualified. Also the Annexure filed as R1 does not carry any stamp or signature of the High Power Monitoring Committee and thus it is not understood how there can be a one man committee sitting alone decide and with whom there

were discussions. The Annexure-R1 which is filed before court does not carry any stamp or signature and also not filed in full because I am able to find only 2 pages of Minutes and the rest of them are not filed purposefully, to save the maladministration.

6. In respect of para 9 and 10 of the counter, it was stated that on 22.11.2019 only notification with respect to withholding the result was published and enquiry is pending with the Hon'ble Monitoring Committee. It seems a report was submitted by the Agency. As seen from para 10 of the counter, a representative sent the report and the Committee came to conclusion that there was cheating and copying. I submit that the exam itself is a open book exam. If at all the committee feels any candidate was found with copying and cheating, the said candidate alone needs to be punished and not the whole candidates appeared in the center. I submit that it is not about appearing the next exam but the valuable time which I spent and I am confident, that I will get through the exam. On account of withholding of the result, I am not even able to reevaluate my answer sheet. The respondents are bound to reveal the result, not just withholding the result.

7. In reply to para 11 to 16 of the counter, I submit that my name is not found in List A and List B, as per these lists a candidate can either be pass or failed or disqualified, for what reason, my result is kept withheld is not known. I submit that the High Powered Committee is headed by a single Member and thus the decision without understanding the consequences and ground reality is bad in law. Merely because a single candidate was found with cheating and copying, the entire candidates of the center cannot be punished. This is bad in law. This Hon'ble court may call for the entire Minutes of Meeting of High Power Monitoring Committee.

8. I submit that when there was an email addressed to the High Powered Committee by the Agency on 17.09.2019 till 21.01.2020 no decision was taken and at last the decision taken does not have authenticity with signatures and stamps of the High Powered Committee. Though the Committee is headed by Retired Hon'ble Justice of Supreme Court, it is sad that there are no signatures of the Committee. Thus the procedure followed by the Committee is not known to law, without any signatures of the Committee members, the authenticity of the very minutes is in doubt. Also the notifications dated 22.11.2019 and 06.02.2020 does not refer to any of the Minutes of the High Powered Committee.

9. In reply to para 17 to 20, I submit that they are referring to the decisions of Hon'ble Apex Court, as in those cases, the entire center itself was cancelled with valid reasons. These decisions are not applicable in my case, as some of the candidates were declared passed in List A and the decisions refer to cancellation of the entire Candidates of the center.

It is also just and necessary that this Hon'ble Court may be pleased to call for the entire Minutes of the High Powered Committee and the entire note file from the office of the 1st respondent and pass such other order or orders may deem fit and proper in the circumstances of the case.

last page corrs.
Solemnly and sincerely affirm this
the day of 25th day of May, 2020
and signed his name in my presence.

Deponent

BEFORE ME

ADVOCATE :: Amaravati

VERIFICATION STATEMENT

I, Bilaal Ahmed Syed being the
petitioner/ person acquainted with the facts do hereby verify and state
that the contents of the above paras of the Affidavit are true and correct
to the best of my knowledge. The above contents are typed under my
instructions and same are read over and explained to me in vernacular
language. Hence verified at Amaravati on this the day of 25TH day of
may, 2020.

Advocate

Deponent