

(2024) 12 KL CK 0137
In the High Court Of Kerala
Case No : Writ Appeal No. 2153 Of 2024

Alan Benny

APPELLANT

Vs

Bar Council Of Kerala Represented By Its Chairman

RESPONDENT

Date of Decision : 31-12-2024

Acts Referred:

Advocates Act, 1961 — Section 24(1)(f)

Citation : (2024) 12 KL CK 0137

Hon'ble Judges : Ziyad Rahman A.A., J; P. V. Balakrishnan, J

Bench : Division Bench

Advocate : Aslam K.K., Akshai M. Sivan, Astel Joseph, Avanthika R., Muhammed Abdul Basith.E.A, Roy Antony, M.U.Vijayalakshmi, K.Jaju Babu

Final Decision : Disposed Of

Judgement

Ziyad Rahman A.A., J.

1. This Writ Appeal is submitted by the petitioner challenging the interim order passed by this Court in the Writ Petition by which the petitioner, who seeks enrollment with the respondents, was permitted to be enrolled in the next enrollment to be conducted by the 1st respondent – Bar Council of Kerala, subject to the condition that the petitioner produces a receipt for the fees paid by him to get his SSLC, Plus Two, Degree and LLB Certificates verified by the concerned Authorities and University.
2. The challenge raised by the petitioner against the interim order is confined to the condition imposed to produce the receipt for the fees paid by him for verification of the certificates referred to above. This contention is raised by the petitioner by placing reliance upon Ext.P8 order (in the Writ Petition), passed by the Hon'ble Supreme Court in WP(C)No.82/2023.
3. On perusal of the aforesaid order, it is seen that there is a specific direction issued by the Hon'ble Supreme Court to the effect that all Universities and Examination Boards shall verify the genuineness of the educational certificates

without charging any fee for the purpose of verification. It is also directed that the requisitions made by the Bar Council shall be carried out without undue delay and the reports of verification shall be submitted expeditiously.

4. On the other hand, the learned Standing Counsel appearing for the 1st respondent relied on Annexure R1(a) notice issued by the Bar Council of India, the 2nd respondent herein, on 28.01.2017, wherein it is mentioned that the State Bar Council shall charge a sum of Rs.2,500/- for the verification of the said certificates from the candidate at the time of submission of the enrollment forms.

5. However, in the light of Ext.P8 order passed by the Hon'ble Supreme Court, there is an obligation on the part of the Universities and Examination Boards to verify the genuineness of the educational certificate without charging any fee for the purpose of verification. It is also discernible from the observations that the requisitions for verification are to be submitted by the Bar Council only. Therefore, there is a duty cast upon the Bar Council to get the certificates of the applicant verified by the concerned Boards and Universities, without charging any fees. Therefore, Annexure R1(a), to the extent stipulates the collection of fees of Rs.2,500/- for verification, cannot be implemented.

6. The above position is clear from the observations made by the Hon'ble Supreme Court in Ext.P3 judgment in the Writ Petition, wherein, after specifically referring to Annexure R1(a) and the charges stipulated therein for verification of the documents, it was directed that the State Bar Council cannot charge "enrollment fees" beyond the express legal stipulation under Section 24(1)(f) of the Advocates Act, 1961, as it currently stands.

7. Thus, in the light of the observations made by the Hon'ble Supreme Court also, we do not find any entitlement on the part of the 1st respondent to collect the fees for verification.

8. Therefore, the interim order, passed by the learned Single Judge, shall stand modified to the effect that the application submitted by the petitioner shall be processed and the 1st respondent shall get his certificates verified by the concerned Boards/Universities without charging any fees.

9. At this juncture, it is submitted by the learned Standing Counsel for the 1st respondent that the next enrollment is scheduled to be held on 05.01.2025; and therefore, it may not be possible for them to get the certificates of the petitioner verified before the said date.

10. Therefore, it is further directed that, the application submitted by the petitioner for enrollment shall be processed by the 1st respondent and the certificates of the petitioner be sent for verification immediately, but the petitioner shall be permitted to get enrolled even if the verification of the certificates of the petitioner is not completed before the enrollment date, subject to the condition that, in case the certificates of the petitioner were found to be not genuine or otherwise not proper, it shall be open for the 1st respondent to

take appropriate action for cancelling the enrollment.

This Writ Appeal is thus disposed of.