

[3299]

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
THURSDAY, THE FOURTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE E.V. VENUGOPAL
WRIT PETITION NO: 10938 OF 2025

Between:

Boya Ramachandraiah, S/o. Boya Anjanaiah, Aged 56 years, Occ Advocate,
R/o. H.No. 20-69/2/3, Goutham Nagar, Behind Water Tank, Malkajgiri,
Medchal-Malkajgiri District- 500047.

Petitioner

AND

1. The Bar Council of India, 21, Rouse Avenue Institutional Area, Near Bal Bhawan, New Delhi - 110 002. Rep. by its Secretary .
2. The Bar Council of Telangana, High Court Building Premises. Gliansi Bazaar, Hyderabad, Telangana 500066. Rep. by Secretary .
3. The State of Telangana, Rep. by the Secretary, Law and Legislative affairs, Department, Saifabad, Secretariat Hyd.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of the writ of Mandamus declaring the action the respondent No.2 in issuing Notice Roc. No. 122/2025, dt. 25.02.2025 directing the President, Malkajgiri Bar Association , Neredmet to ensure the petitioner not practice law in the court until they obtain requisite qualification i.e. AIBE is illegal arbitrary and in Violation of principles of natural justice consequently set aside the letter R.O.C. NO. 122/2025 Dated 25-02-2025 by the 2nd respondent enabling the petitioner to appear before the court to peruse his cases filed;

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to suspend the impugned notice of 2nd respondent vide Roc. No, 122 of 2025, dt. 25-02-2025 directing the president, Malkajgiri Bar Association , Neredmet permitting the petitioner to practice as an Advocate at Malkajgiri Bar Association, Neredmet appear in the other courts, pending disposal of WP 10938 of 2025, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Party in person

for the Respondent No.1, SRI ASHOK ANAND KUMAR, Senior Counsel for respondent Nos. 2 and 3, the Court made the following.

ORDER

The petitioner (party-in-person), submits that he enrolled as an Advocate with the Bar Council of the State of Telangana under enrolment number TS/1415/2021, dated 29.07.2021. He was issued a provisional enrolment certificate, valid up to 28.07.2023, with the condition that he must clear the All India Bar Examination (AIBE), which was to be conducted twice in a year during the period 2022–2023. It was further stipulated that failure to pass the said examinations within the provisional period would result in automatic cancellation of the provisional certificate. The petitioner further submits that due to health issues, he was unable to clear the examination in his first attempt. Though he appeared for the examination again, he also failed in the third attempt. He contends that the Bar Council of India did not conduct the examinations twice in a year during the stipulated period, thereby denying him a fair opportunity to qualify. As the expiry date of the provisional certificate was approaching (i.e.28.07.2023), the petitioner, on 28.06.2023, submitted a representation to the Secretary, Bar Council of the State of Telangana, seeking an extension of the validity of his provisional certificate by one additional year. However, the said request was not accepted by the respondents. The petitioner further submits that he was not afforded the opportunity to appear for the AIBE once in every six months, as required, and therefore, the stipulated two year period from the date of enrolment expired without extension. He states that he addressed a letter dated 28.02.2023 to the Registrar (Judicial), High Court, requesting issuance of a computer code. In response, he was informed that he could provisionally practice, based on which he continued filing cases before the District Courts. In the meantime, the Secretary of the 2nd respondent addressed letter dated 25.01.2025 in ROC No.32 of 2025 to the learned Principal District and Sessions Judge, Medchal-Malkajgiri District, enclosing a list of advocates, including the petitioner (listed at Sl. No.11), stating that several advocates enrolled between 1st July 2010 and 2022 had either not appeared for or not qualified in the AIBE (AIBE I to XVIII), and that those named in the list were not entitled to practice law or avail other privileges unless they obtained the requisite qualification. A similar communication was sent to the President of the Bar Association, Malkajgiri District, on 25.02.2025 by the Secretary of the 2nd respondent vide ROC No.31 of 2025, requesting that necessary steps be taken within the Bar Association to ensure that such advocates, including the petitioner, do not practice law in the Courts until they fulfil the statutory requirements. The petitioner also submits that the Bar Council of India, vide its letter BCI:D:2371/2025 dated 07.04.2025, provided a one-time extension opportunity for deserving advocates who were enrolled in 2022 or later and had exhausted the two-year period, to regularize their practice. This relief was granted to uphold professional standards and ensure compliance with statutory norms, citing disruptions due to the COVID-19 pandemic. The petitioner contends that, though he was enrolled in 2021 and his situation was similar, he was not granted the same benefit, thereby amounting to discrimination.

Sri Ashok Anand Kumar, the learned Senior Counsel appearing for respondent No.2 and 3 submits that the benefit extended under the resolution of the Bar Council of India is not applicable to the petitioner's case, as he was enrolled in the year 2021. In view of the same, the action taken by respondent No.2 is strictly in accordance with law and the rules prescribed by the Bar Council of India as well as the Bar Council of the State of Telangana. It is further submitted that, since the petitioner failed to pass the requisite examinations conducted by the Bar Council of India, respondent No.2 acted in terms of Rule 5, which mandates such action. The learned Senior Counsel also submits that the petitioner had an adequate and efficacious remedy of appeal before the Bar Council of India under Rule 37 of the Bar Council of India Rules. However, without availing such remedy, the petitioner has prematurely approached this Court under Article 226 of the Constitution of India, which is not warranted in the facts and circumstances of the case. Accordingly, he prays that the present writ petition be dismissed.

None appeared for the respondent No.1, who is the necessary party to be heard.

Prima facie, it appears that the petitioner was not extended the benefit granted by the Bar Council of India under its proceedings in BCI:D:2371/2025, dated 07.04.2025. It is the vehement contention of the petitioner that had he been afforded an opportunity to appear for the examination for a fourth time, or if his provisional certificate had been renewed, he could have continued his legal practice and due to the action initiated by the 2nd respondent, the petitioner is refrained from attending his cases before different Courts due to which his clients are facing difficulty. These factual matrixes require detailed examination. In the meantime, as an interim measure, there shall be a suspension of operation of the orders passed by the 2nd respondent in ROC Nos.31 of 2025 and 32 of 2025, both dated 25.01.2025, till the next date of hearing.

List this matter on 09.10.2025.

Sd/- AHMED ABDULLA KHAN
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Secretary, Bar Council of India, 21, Rouse Avenue Institutional Area, Near Bal Bhawan, New Delhi - 110 002.
2. The Secretary, Bar Council of Telangana, High Court Building Premises. Gliansi Bazaar, Hyderabad, Telangana 500066.
3. The Secretary, State of Telangana, Law and Legislative affairs, Department, Saifabad, Secretariat Hyd. (RR 1 to 3 by RPAD)
4. One CC to SRI BOYA RAMACHANDRAIAH, PARTY-IN-PERSON [OPUC]
5. One spare copy

HIGH COURT

EVVJ

DATED:04/09/2025

LIST ON 09.10.2025

ORDER

WP.No.10938 of 2025



SUSPENSION