

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

WP No. 2758 of 2025

(*VYOM GARG AND OTHERS Vs THE STATE OF MADHYA PRADESH AND OTHERS*)

WP/32927/2024, WP/2793/2025

Dated : 07-03-2025

Shri Vyom Garg, Shri Pankaj Bhatt, Ms. Shiksha Patel, Shri Pankaj Bhatt, Shri Sunil Jaiswal and Shri Deepanshu Mishra - petitioners in their respective cases present in person.

Shri Akash Choudhury and Aakash Sharma with Siddharth Shukla and Rohit Pandey - Advocates for petitioners in their respective cases.

Shri Amit Seth - Additional Advocate General with Shri Sahil Sonkushale - Advocate for the Respondent No.1/State.

Shri Shreyas Pandit and Shri Aditya Veer Singh - Advocates for the respondents in their respective cases.

Shri Satyam Agrawal - Advocate for respondent No.3.

Shri Lalmani Tripathi - Advocate for respondent No.5.

The Petitioners have filed the present writ petition being aggrieved by the verbal refusal thereby refusing to get them enrolled as an Advocate by the respondent No.3/ M.P. State Bar Council and putting pressure to compel respondent No.5/Central India Law Institute, Jabalpur to deposit the renewal fees to respondent No.2/BCI.

As stated by the counsel for the petitioners that after seeing on the portal that institute is recognized by the Bar Council of India, they have applied and got admitted for Law Course because no such information of College not being recognized by Bar Council of India was uploaded on the

admission portal of Higher Education Department of State, nor by University concerned. However, after completion of law degree, the State Bar Council of M.P. is not enrolling the petitioner as an Advocate.

It is brought to the notice of this Court that in some cases the recognition has been given by the Bar Council of India even after 20 years with retrospective effect and in that situation, the said practice will play with the careers of the students who got admitted based upon the incorrect disclosure of recognition on the portal of Bar Council of India/State Bar Council/ Government of Madhya Pradesh and University. If that is the situation and the Institution and University has without any recognition enrolled the students, thus in that matter they are cheating the students by enrolling them, who are facing the problem in not getting the enrolment with the State Bar Council.

Accordingly, the respondents are directed to investigate the matter and take criminal action against such Institutions/ University who are giving admission to the students. Henceforth, we hereby make it clear that if any institution or university without any recognition of BCI is giving admission, it will specifically be mentioned that those got the admission in Law Course they will not be enrolled as an Advocate however that would be only for academic purpose. We deprecate the practice of Bar Council of India by giving recognition retrospectively even in some cases after 20 years also. Accordingly, Bar Council of India is directed to make its house in order so that the Institutions shall not play with the careers of students.

All concerned are directed to keep their portal updated in the month of

March every calendar year so that no student can be misguided by the said portal.

It is pertinent to mention here that the Higher Education Department, M.P. vide its letter dated 28.02.2025 has stated as under:-

मध्य प्रदेश शासन
उच्च शिक्षा विभाग
मंत्रालय
क्रमांक 353/2234639/2024/38-3 भोपाल, दिनांक 28/02/2025
प्रति,
श्री आर. के. बघेल,
प्रभारी कुलसचिव,
रानी दुर्गावती विश्वविद्यालय, जबलपुर।

विषय:- बिना बार काउंसिल ऑफ इंडिया (बी.सी.आई.) से मान्यता प्राप्त किए हुए सेंट्रल इंडिया लॉ इंस्टीट्यूट, रानीताल, जबलपुर में विद्यार्थियों को प्रवेश देने पर कारण बताओ सूचना पत्र।

संदर्भ: माननीय उच्च न्यायालय, जबलपुर में प्रचलित रिट याचिका क्रमांक 2758/2025

उपरोक्त विषय में लेख है कि विषयांकित महाविद्यालय को बार काउंसिल ऑफ इंडिया के पत्र दिनांक 06/03/2008 के द्वारा त्रिवर्षीय विधि पाठ्यक्रम के लिए सत्र 2004-05 से सत्र 2008-09 तक की मान्यता प्राप्त है। रानी दुर्गावती विश्वविद्यालय के पत्र दिनांक 09/10/2002 द्वारा उक्त महाविद्यालय को त्रिवर्षीय एवं पांच वर्षीय पाठ्यक्रम हेतु वर्ष 2002 से स्थायी संबद्धता प्रदान की गई परंतु, विश्वविद्यालय की अधिसूचना दिनांक 03/07/2019 के अनुसार कार्यपरिषद् द्वारा 10 वर्ष से अधिक से स्थायी संबद्धता प्राप्त महाविद्यालयों की स्थायी संबद्धता समाप्त की गई है। अतः उक्त अधिसूचना अनुसार विषयांकित महाविद्यालय को विश्वविद्यालय द्वारा दी गई संबद्धता सत्र 2019-20 से समाप्त मानी जानी चाहिए।

2/ वर्ष 2008-09 तक बी.सी. आई. की मान्यता प्राप्त होने के उपरांत भी विश्वविद्यालय द्वारा महाविद्यालय की संबद्धता निरंतर रखी गई, जिसके आधार पर महाविद्यालय में विद्यार्थियों का प्रवेश हुआ।

3/ वर्ष 2021-22 में प्रवेश हेतु महाविद्यालय द्वारा ई-प्रवेश पोर्टल पर प्रोफाइल पंजीकृत किया गया एवं विश्वविद्यालय द्वारा उक्त प्रोफाइल का सत्यापन किया गया। उक्त सत्यापन के आधार पर एल.एल.बी. पाठ्यक्रम में 80 तथा एल.एल.एम पाठ्यक्रम में 30 विद्यार्थी विषयांकित महाविद्यालय में प्रवेशित हुए तथा उत्तीर्ण विद्यार्थियों को विश्वविद्यालय द्वारा उपाधि भी प्रदान की गई। ऑनलाईन पोर्टल के अनुसार विश्वविद्यालय के लॉग-इन पर सत्यापनकर्ता का मोबाईल नंबर 9425448433 दर्ज है।

4/बी.सी.आई. से मान्यता प्राप्त नहीं होने की स्थिति में भी विश्वविद्यालय द्वारा उक्त महाविद्यालय को संबद्धता प्रदान करना तथा ऑनलाईन प्रवेश पोर्टल पर सत्यापन किया जाना नियमानुसार नहीं है, जिसके परिणामस्वरूप महाविद्यालय से उत्तीर्ण विद्यार्थी का अधिवक्ता के रूप में कार्य करने के लिए स्टेट बार काउंसिल में पंजीयन नहीं हो पा रहा है, जबकि उन्हें विश्वविद्यालय से उपाधि प्राप्त है।

5/ अतः विश्वविद्यालय के प्रशासनिक कार्यों का उत्तरदायी होने के कारण आपका यह कृत्य मध्यप्रदेश सिविल सेवा (आचरण) नियम, 1965 के नियम-3 का उल्लंघन है। उक्त विषय पर अपना स्पष्टीकरण 15 दिवस में विभाग को उपलब्ध कराएं। समय सीमा में प्रतिवेदन प्राप्त नहीं होने पर आपके विरुद्ध

नियमानुसार अनुशासनात्मक कार्यवाही की जाएगी।
(वीरन सिंह भलावी)

अवर सचिव

म.प्र. शासन, उच्च शिक्षा विभाग

भोपाल, दिनांक 28/02/2025

पृ.क्र. 354/2234639/2024/38-3

प्रतिलिपि:-

1. निज सहायक, अपर मुख्य सचिव, उच्च शिक्षा विभाग।

2.. कुलगुरु, रानी दुर्गावती विश्वविद्यालय, जबलपुर की ओर सूचनार्थ।

अवर सचिव

म.प्र. शासन, उच्च शिक्षा विभाग

It is also pertinent to mention here that Rule 26 of Bar Council of India provides as under:

26. Approval - The Bar Council of India on the recommendation of the Legal Education Committee shall instruct the Secretary to send a letter of approval of any one of the following type to the Head of the Institution as well as to the Registrar of the University:-

(a) Temporary approval: On the Initial inspection report or Regular Inspection report the Legal Education Committee may recommend a temporary approval for not more than a period of three years to a newly proposed institution in the event the institution has facilities enough to commence the teaching program on such conditions as the Legal Education Committee may prescribe.

(b) Regular approval: A regular approval may be recommended for not more than a period of five years when an institution fulfills all standard set norms and has the capability of maintaining such standard continuously. Such regular approval shall entitle such institution to seek accreditation from the Bar Council of India who can do the same either of its own according to rules of accreditation or may cause it done by the National Assessment and Accreditation Council.

On perusal of said rules, the Temporary Approval is not more than a period of three years to a newly proposed institution, however, for Regular Approval the maximum period is five years.

Rule 27 of Bar Council of India provides as under:-

27. Revocation of approval -The Bar Council of India may revoke the grant of a temporary or regular approval if the conditions on

which the permission was granted are not substantially fulfilled. A regular permission may be cancelled on an adverse report of inspection.

Provided that in case of revocation of a temporary or regular approval, the Centre of Legal Education authority and the respective University shall be provided with an opportunity of hearing and rectifying the shortcomings within such time as the Legal Education Committee may prescribe. In the event of failure to rectify the shortcomings in the opinion of the Legal Education Committee within the stipulated time, the Legal Education Committee shall recommend revocation of approval to the Bar Council of India.

Provided further that in case of revocation or cancellation of approval, as the case may be, proper provisions have to be made for the students who are already enrolled for a law course during the time when the approval was valid either by allowing the Centre to complete the course with those who are already enrolled or direct the University concerned, if such continuance is not in the interest of professional legal education, to make alternative arrangement for those students in near by Centres of Legal Education under the University.

If revocation is within three years or within five years as the case may be, however, that revocation will affect the institution but those admission which has already been given it will not affect on the students those are already admitted. Regarding the recognition and fee to be paid to the Bar Council of India, if that is not paid, the Bar Council of India is at liberty to take action against such institution for recovery of dues. If any cheating has been made by such institution, the Bar Council of India is at liberty to file complaint to take criminal action against such institutes.

The Police Commissioner, Bhopal is directed to look into the matter and investigate as to in what manner such type of practice is going on without getting renewal and shall take further action as per law. The Officers of Bar Council of India, shall assist the Police Commissioner, Bhopal.

The Police Commissioner, Bhopal shall also remain present before this Court to assist this Court on the next date of hearing.

The Additional Chief Secretary, Higher Education Department shall also remain present before this Court on the next date of hearing.

List on 25.03.2025.

(SURESH KUMAR KAIT)
CHIEF JUSTICE

(VIVEK JAIN)
JUDGE

Praveen