

ITEM NO.9

COURT NO.4

SECTION III

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Civil Appeal No(s). 816-817/2022

BAR COUNCIL OF INDIA

Appellant(s)

VERSUS

TWINKLE RAHUL MANGAONKAR & ORS.

Respondent(s)

(MR. K.V. VISHWANATHAN, SR. ADV.(A.C.)[ RETAIN ITS POSITION ]

IA No. 8027/2022 - APPROPRIATE ORDERS/DIRECTIONS)

IA NO. 90148/2022-IMPLEADMENT

IA NO. 91049/2022- PERMISSION TO APPEAR AND ARGUE IN PERSON

IA NO. 90154/2022- DIRECTIONS

Date : 02-08-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE M.M. SUNDRESH

Mr. K.V. Vishwanathan, Sr. Adv (AC)

Mr. R. Venkatraman, Adv.

Mr. Amartya A. Sharan, Adv.

Mr. Rahul Sangwan, Adv.

Mr. M.G. Arvind Raj, Adv.

Mr. Chanakya Dwivedi, Adv.

Mr. Sivagnanam Karthikeyan, Adv.

Ms. Akhila Nambiar, Adv.

Mr. Siddarth Sridhar, Adv.

For Appellant(s)

Mr. Manan Kumar Mishra, Sr. Adv.

Mr. Apurba Sharma, Sr. Adv.

Mr. S.N. Bhat, Sr. Adv.

Mr. Durga Dutt, AOR

Ms. Anjul Dwivedi, Adv.

Mr. D.P. Chaturvedi, Adv.

Mr. Tarun Kumar Thakur, Adv.

For Respondent(s)

Ms. Megha Jani, Adv.

Ms. Anushree Prashit Kapadia, AOR

Mr. Divyank Dutt Dwivedi, Adv.

Mr. Nikhil Goel, AOR

Mr. Atithya Roy, Adv.

Mr. Naveen Goel, Adv.

Respondent-in-person

UPON hearing the counsel the Court made the following  
O R D E R

IA NO. 8027/2022- DIRECTIONS  
IA NO. 90148/2022-IMPLEADMENT  
IA NO. 91049/2022- PERMISSION TO APPEAR AND ARGUE  
IN PERSON  
IA NO. 90154/2022- DIRECTIONS

With reference to the averments in the application(s), on our query, learned senior counsel appearing for the Bar Council of India states that the syllabus will be published within 15 days from today and the examination will be held within a period of about three months thereafter. The statement is taken on record.

I.A. Nos. 8027/2022 and 90154/2022 for directions are disposed of accordingly.

IA NO. 90148/2022 for impleadment and IA NO. 91049/2022 for permission to appear and argue in person are disposed of in view of order passed above.

C.A. NOS. 816-817/2022

We have perused the additional affidavit filed by the Bar Council of India and we must appreciate the progress which has been made.

Learned Amicus Curiae points out with reference to paragraph 8(A)(i) that apparently as the report stands it may not correctly reflect the

position qua 'Register A' as 'Register A' has to contain the names of candidates who passed the law examination and are enrolled in 'Register A' to be able to take the examination, whereafter on clearance of the Bar examination their names will be entered.

Mr. Manan Kumar Mishra, learned senior counsel for the Bar Council of India states that necessary clarification will be issued but in any case we record the intent of the same.

In respect of the aforesaid, it is clarified for the benefit of the parties with consent that the procedure to be followed by the Bar Council of India would be that persons who are in jobs and are desirous of taking the examination, will in advance inform the Bar Council of the factum of their employment and on being successful in the examination, an undertaking would be required that within six months they will take a call whether to resign or join the profession or they will still continue to work in their respective jobs, in which case, they would on a subsequent date being so desirous of joining the profession require to take the examination afresh and in case of resignation give proof thereof.

We have been shown the extract of the Minutes of the General Council Meeting of the Bar

Council of India dated 08.07.2022 qua 'Register C' which has been read over and seems to be in order except on one issue that in the penultimate paragraph where it refers to the requirement to appear in the examination again and clear AIBE again after 5 years, instead of "a publication of the result of AIBE" it should read as "after suspension of licence".

Insofar as paragraph 11 is concerned, we clarify that there appears to be no conflict of interest in Mr. K.V. Viswanathan assisting this Court and being part of the Monitoring Committee of AIBE as a special invitee.

For further consideration, learned Amicus Curiae requests some time to examine what other aspects would require any directions from this Court.

List on 27.09.2022.

[CHARANJEET KAUR]  
ASTT. REGISTRAR-cum-PS

[POONAM VAID]  
COURT MASTER (NSH)