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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 16623/2022 & CM APPL. 52326/2022**

NISHANT KHATRI

..... Petitioner

Through: Mr. Binay Kumar Patra, Advocate.
(M: 9990993997)

versus

BAR COUNCIL OF INDIA & ANR.

..... Respondents

Through: Mr. Preet Pal Singh and Mr. Saurabh
Sharma, Advocates for BCI. (M:
9958555055)

Mr. Ajay Kumar Agarwal, Advocate
for BCD. (M:98102 92253)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

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04.05.2023

1. This hearing has been done through hybrid mode.
2. The Petitioner submits that the All India Bar Examination ('AIBE') has been conducted by the Respondent No. 1-Bar Council India and the results of the said examination have also been declared last week, and thus, the petition is fructuous.
3. Vide order dated 5th December 2022, it was directed as follows:

"13. In view of the fact that the AIBE has not been conducted since October, 2021, the following directions are issued:

(i) The Petitioner shall not be debarred or disqualified from continuing to rely upon his provisional enrolment. The Petitioner would be entitled to appear in the Courts. This order shall continue until further orders of this Court.

(ii) In view of the non-conduct of the AIBE, Rule 9 of

the AIBE, 2010 would not be operational qua such advocates who may have not taken the AIBE within the period of two years after their enrolment, due to the non conduct of AIBE.

(iii) A status report shall be filed by the BCI wherein the next date for the conduct of the AIBE shall be provided.

(iv) The BCI shall also consider having a pre-set schedule for conduct of the AIBE (For eg., First Saturday of January and July every year) so that the uncertainty can be resolved and provisionally enrolled advocates can prepare for appearing in the AIBE.”

4. In the last order dated 6th January 2023, BCI was directed to file a further status report in respect of the direction given in paragraph 13(iv) as above.

5. Insofar as the said direction for fixation of a pre-set schedule for conduct of the AIBE is concerned, it is submitted by the BCI that a pre-set schedule may be difficult as various stakeholders from across the country have to be consulted before the dates for the exam are fixed.

6. It is also submitted by the Id. Counsel that tentatively the next AIBE is going to be scheduled in the month of September, 2023.

7. In view of the submissions made, no further orders are called for in this matter.

8. The BCI shall consider announcing in advance, every calendar year the months in which the AIBE is likely to be conducted. This is considering the fact that there are a large number of prospective candidates who have to appear in AIBE, may have to make arrangements to be physically present to be able to give the AIBE examination. A pre-set schedule or at least an annual time table as part of the calendar every year would go a long way in

assisting the candidates who wish to appear for the examination to make arrangements in respect thereof.

9. The present petition, along with all pending applications, is disposed of.

PRATHIBA M. SINGH, J.

MAY 4, 2023
dj/dn