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W.P.Nos.48845 of 2025 & batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 02.02.2026

CORAM:

THE HONOURABLE MR. JUSTICE R. SURESH KUMAR  
AND  
THE HONOURABLE MR. JUSTICE SHAMIM AHMED

W.P.Nos.48845, 48849, 48870, 48874, 48880,  
48893, 48906, 48907 and 48911 of 2025

KMC College of Law,  
Represented by Correspondent,  
Aruna Sreedevi G. .. Petitioner in W.P.No.48845/2025

Anandam Law College,  
Represented by its Chairman,  
Mr.Sathasivam.P. .. Petitioner in W.P.No.48849/2025

GTN Law College,  
Represented by its Chairman,  
Ln.Dr.K.Retinam .. Petitioner in W.P.No.48870/2025

Erode College of Law,  
Represented by its Chairman,  
Mr.Sindhu Ravichandran .. Petitioner in W.P.No.48874/2025

Mother Teresa Law College,  
Represented by its Chairman,  
R.C.Uthayakumar .. Petitioner in W.P.No.48880/2025

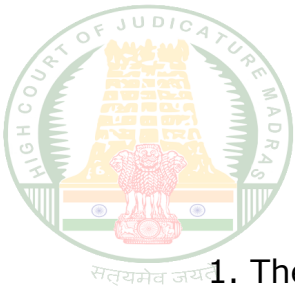
Thulasi College of Law for Women,  
Represented by its Chairman,  
Dr.A.Kanagaraj .. Petitioner in W.P.No.48893/2025

S Thangapazham Law College,  
Represented by its Chairman,  
Mr.T.Murugesan .. Petitioner in W.P.No.48906/2025

Mugil College of Law,  
Represented by its Chairman,  
Arulananthan.C. .. Petitioner in W.P.No.48907/2025

SKP Law College,  
Represented by its Chairman,  
K.Karunanithi .. Petitioner in W.P.No.48911/2025

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Vs.

1. The State of Tamil Nadu  
Represented by its Secretary  
Law Department, Secretariat, Chennai – 600 009.
2. The Bar Council of India  
Represented by its Secretary  
21, Rouse Avenue, Industrial Area  
New Delhi.
3. The Tamil Nadu Dr. Ambedkar Law University  
Represented by its Registrar  
Dr.D.G.S.Dinakaran Salai  
R.A.Puram, Chennai – 28. .. Respondents in all W.Ps.

For the Petitioners  
in all W.Ps except  
W.P.No.48874 of 2025

: Mr.M.Ravi

For the Petitioner in  
W.P.No.48874 of 2025

: Ms.Dakshayani Reddy  
Senior Counsel  
for Mr.M.Ravi

For the Respondents  
in all W.Ps.

: Mr.A.Selvendran,  
Special Government Pleader  
for R1

: Mr.S.R.Raghunathan  
Standing Counsel  
for R2

: Mr.S.Siva Shanmugam,  
Standing Counsel  
for R3

Prayer in W.P.No.48845 of 2025: Petition filed under Article 226 of the Constitution of India, seeking a writ of mandamus, directing the second respondent to pass appropriate orders of regular approval for additional sections for the 3-year LL.B. and 5 year B.A., LL.B. in the petitioner Institute for the Academic Year 2025-26 and to direct the third respondent to forthwith allot students under Government quota for the aforementioned additional sections.

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COMMON ORDER

(Order of the Court was made by R. SURESH KUMAR, J.)

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In all these writ petitions, the respective writ petitioners are Centers for Legal Education<sup>1</sup>, commonly known as Law Colleges.

2.1. As per the procedure in vogue, in order to establish a CLE by a private Management, first, they must have applied to the State Government and to the concerned Affiliating University to get No Objection Certificate from the State Government and the affiliation and consent of affiliation from the Affiliating University. After getting these certifications, they have to make further application, as a final process, to the Bar Council of India<sup>2</sup>.

2.2. The BCI will independently process the application, to be submitted by the Educational Agency for starting the CLE and, on the basis of the input send by the University through affiliation or consent for affiliation, as well as the No Objection Certificate by the State Government and after having conducted an inspection by the team of experts to be sent by the BCI, the approval process would be completed and wherever there are deserved cases, such approval would be granted by the BCI. In order to complete this process, separate fee would be collected by the BCI.

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<sup>1</sup> In short, hereinafter referred as "CLE".

<sup>2</sup> In short, hereinafter referred as "BCI".



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2.3. Almost the same procedure is adopted in respect of the existing CLEs, seeking such approval for additional Centres or additional Sections or additional intake in both the three year Law Degree Course or LL.B. Course or five year integrated Law Degree Course.

3.1. Here, as far as the present cases are concerned, all the present petitioners are existing Law Colleges, that is CLEs. They want to get approval for additional intake in the existing Institutions from the Academic Year 2025-26, for which, they have already applied to the Affiliating University, that is the Tamil Nadu Dr. Ambedkar Law University, Chennai, as well as the State Government and from the University as well as the State Government, they received the consent of affiliation or affiliation as well as the No Objection Certificate for starting of the additional intake or additional classes in the existing Institutions.

3.2. After getting these affiliations and No Objection Certificates from the respective Authorities, they applied to the BCI by making payment of Rs.6,50,000/- as processing fee to the BCI. The said applications, insofar as these CLEs are concerned, had been kept pending without processing the same.

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3.3. At one point of time, except two Institutions, in respect of the remaining Institutions/writ petitioners, the fee paid by the Institutions to the BCI have been returned. In respect of the said two Institutions alone, the fee had not been returned. Therefore, the fee-returning order has been questioned in seven writ petitions and in respect of the two writ petitions, as the fee had not been returned, they seek a writ of mandamus to process those applications.

3.4. That is how these batch of writ petitions came to be filed before this Court, seeking relief as sought in the respective writ petitions.

4. It is the argument advanced by *Mr.M.Ravi*, learned counsel appearing for the writ petitioners that, apart from these nine Institutions, already two Institutions, by name, *Sir Issac Newton Law College, Nagapattinam* and *Saraswathi Law College, Tindivanam*, both at Tamil Nadu, have also applied for additional intake, as these two Institutions also are existing CLEs. Insofar as these applications are concerned, these applications have been processed and necessary approval has been conveyed by the BCI through their order dated 14.10.2025, whereas, seven out of the

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nine Institutions'/writ petitioners' applications have been returned with the fee paid by them and in respect of two applications, no progress had been made in processing these applications and they have been kept pending.

5.1. *Mr.S.R.Raghuathan*, learned Standing Counsel appearing for the BCI, on instructions, would submit that, these applications have been processed or returned only on the basis of the resolution passed in this regard by the BCI, whereby, a press release had been issued on 13.08.2025. In the said press release, the BCI had stated that, the BCI has taken some decision that, as per the policy decision having been declared, whereby, it affirms that the moratorium is aimed at elevating and protecting standards of legal education, preserving the dignity of the legal profession and reinforcing public trust in the justice system, while ensuring inclusivity in keeping with Constitutional mandates.

5.2. Insofar as the said policy decision is concerned, the BCI wants to place the moratorium of three years period, by which, no new CLEs shall be established or granted approval anywhere in India. Universities, State Governments, Central Government Entities and other Institutions shall not submit or forward proposals or applications to the BCI for the establishment of new CLEs.

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5.3. This notification dated 13.08.2025, though had been issued, under Rule 9 of the Rules of Legal Education – Moratorium (Three-Year Moratorium) with respect to Centers of Legal Education, 2025, certain exemptions have been given.

5.4. As per Rule 9, the CLEs which have made proposals for new Sections or Courses exclusively meant for students belonging to socially and educationally Backward Classes, Scheduled Castes, Scheduled Tribes and Economically Weaker Sections, as recognized under Articles 15(4) and 15(5) of the Constitution, provided they have an explicit and demonstrated purpose to serve these categories, possess adequate infrastructure and qualified faculty, these Institutions' applications would be processed and on the basis of merit of each of the individual applications of that category, these applications would be processed and wherever there are desired cases, approval would be granted.

5.5. Therefore, even though the Moratorium Notification dated 13.08.2025 had been issued, there was certain exemptions, under which, individual applications on the basis of exclusivity, where it is meant for Backward Classes, Scheduled Castes, Scheduled Tribes or Marginalized people, if it is established or if it is already established

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and seeking additional intake, these applications shall be processed and a decision shall be taken by the BCI.

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5.6. Citing the said notification dated 13.08.2025, the learned Standing Counsel appearing for the BCI would submit that, only within the said parameters, under the exemption or exclusive category, these applications though could be processed, as these applications have not been subsequently made only for the development and upliftment of the marginalized category, that is Other Backward Classes, Scheduled Castes or Scheduled Tribes category, etc., these applications have not been processed and have been returned at the threshold, including fee, he contended.

6. After hearing the respective learned counsel on earlier occasions, we passed an interim order on 05.01.2026 to the following effect:-

*"Mr.S,R.Raghunathan, learned Standing Counsel appearing for the Bar Council of India wants further two weeks time to file counter affidavit touching upon the policy decision taken by the Bar Council of India for bringing the Rules or amendments, by which three years moratorium since has been provided for, within which no new Centres of Legal Education [in short, 'CLEs'] would be permitted to be established like that no existing CLE would be permitted to establish a new course, additional course or additional intake.*





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2. *In this context, the three years total ban is provided in Regulation 3, whereas regulation 4 speaks about that, in exceptional cases, the application can be strictly processed on need basis. That apart, certain exceptions have been provided under Regulation 9, which includes regulation 9(b), under which, if application is filed to establish a law college or a new course exclusively for Backward classes, Scheduled caste, Scheduled tribes and persons with disability with an undertaking that 100% seats would be reserved for these category of people, that kind of applications can be considered and processed. In order to strike out the balance between Regulation 3, Regulation 4 and Regulation 9, how an application made in this regard during moratorium period especially for wanting of additional course, additional intake or a new course in the existing CLE can be considered and decided has to be spelled out in the said counter affidavit to be filed in this regard by the Bar Council of India.*

3. *To make such compliance, learned Standing Counsel since seeks two weeks time, post this case on 20.01.2026."*

Thereafter, these cases were taken up for further hearing on 27.01.2025, where also, we passed orders to the following effect:-

"After hearing the learned counsel for both sides on 05.01.2026, we have passed the following order.

*"Mr.S,R.Ragunathan, learned Standing Counsel appearing for the Bar Council of India wants further two weeks time to file counter affidavit touching upon the policy decision taken by the Bar Council of India for bringing the Rules or amendments, by which three years moratorium since has been provided for, within which no new Centres of Legal Education [in short, 'CLEs']*



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*would be permitted to be established like that no existing CLE would be permitted to establish a new course, additional course or additional intake.*

*2. In this context, the three years total ban is provided in Regulation 3, whereas regulation 4 speaks about that, in exceptional cases, the application can be strictly processed on need basis. That apart, certain exceptions have been provided under Regulation 9, which includes regulation 9(b), under which, if application is filed to establish a law college or a new course exclusively for Backward classes, Scheduled caste, Scheduled tribes and persons with disability with an undertaking that 100% seats would be reserved for these category of people, that kind of applications can be considered and processed. In order to strike out the balance between Regulation 3, Regulation 4 and Regulation 9, how an application made in this regard during moratorium period especially for wanting of additional course, additional intake or a new course in the existing CLE can be considered and decided has to be spelled out in the said counter affidavit to be filed in this regard by the Bar Council of India.*

*3. To make such compliance, learned Standing Counsel since seeks two weeks time, post this case on 20.01.2026."*

2. Though time was given upto 20.01.2026, today when the case is listed after a week's time beyond the time limit given by our earlier order dated 05.01.2026, the Standing Counsel for the respondent Bar Council of India would submit that, he has got some oral instructions that the Bar Council of India is going to have a meeting today to take some decision and pass a resolution to decide each of the application pending before



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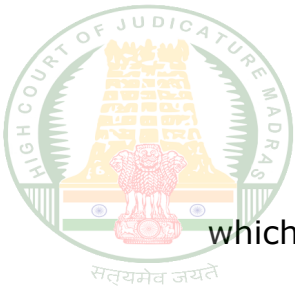
*W.P.Nos.48845 of 2025 & batch*

them and also each of the application which were rejected out-rightly by citing the three year moratorium notification. He submits that each of the application would be considered and decided on merits based on Rule 9 ie., exception clause and also on the basis of the infrastructural and instructional facilities possessed by each of the institution as has been certified by the University concerned after conducting necessary inspection.

3. This position in fact should have been filed before this Court by way of an affidavit or compliance affidavit as directed by our order dated 05.01.2026. However, the learned Standing Counsel for the Bar Council of India would submit that, such a compliance certainly would be made, for which a very short accommodation of less than a week is required to consolidate all these developments and put forth before this Court by filing a compliance affidavit on behalf of the Bar Council of India.

4. Recording the said submission by the learned Standing Counsel for the Bar Council of India, post the matter on 02.02.2026 for filing compliance affidavit. It is made clear that on the next date of hearing if no such compliance affidavit is filed in writing by the Bar Council of India, adverse inference would be drawn and the matter would be decided and final orders would be passed based on the available records."

7. Only pursuant to these orders, today, when the cases are taken up for further hearing, on behalf of the second respondent, that is the BCI, a common counter affidavit has been filed, wherein, it has been mainly underscored that, the BCI subsequently had a meeting on 11.01.2026, where, a resolution has been passed, by



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which, the notification dated 13.08.2025 had been decided to be done-away and replacing the same, a new policy decision has been taken and the main substance of the policy decision, according to the learned Standing Counsel appearing for the BCI, is that, wherever such kind of applications are filed and are pending before the BCI, those applications, whether could be processed or not, by conducting an inspection, could be decided by an Inspection Permission Team consisting of a Former Judge of the High Court and a Law Professor in each State and thereafter, after conducting inspection, on the basis of infrastructure and institutional facilities available and also on need-basis, the process of such kind of applications would be conferred and a final decision would be communicated to the Institutions concerned.

8. We have gone through the said policy decision taken as reflected in Resolution dated 11.01.2026 passed by the BCI.

9. Though there is no definite or a clear unambiguous decision has been taken by the BCI, the only factum that could be culled out from the said policy decision is that, the earlier decision of three year moratorium taken through notification dated 13.08.2025 has now been replaced, therefore, the three year moratorium period is

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gone. The next step according to the policy decision is that, now, they propose to constitute an Inspection Permission Committee for each of the State, headed by a Former Judge of the High Court. That Committee will give permission to inspect each of the Institutions and thereupon, the Institution concerned would be inspected and after completing inspection on need-basis as well as merit-basis, that is fulfillment of infrastructural and institutional facilities, those individual applications would be finalized and orders would be passed. Therefore, it is now the process to be taken up by the BCI, that they have to inspect the Institutions which have made such applications seeking approval for the new College or additional intake.

10. Insofar as the new Colleges to be established is concerned, in this */is*, we are not concerned with the said issue, as none of the writ petitioners are seeking any approval for establishing new Institutions, that is CLEs.

11. As we have said earlier, since all these writ petitioners are existing CLEs and they made applications only seeking approval for starting additional intake in the existing Courses alone, the moratorium or need-basis decision would not apply to these cases.

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When that being the position, there could be no impediment for the BCI to process these applications and to take a decision on merit-basis.

12. It is pertinent to point out here that, merit-basis means, if an application is submitted by any existing CLE seeking approval for such additional intake, for having such additional intake, whether necessary infrastructural and institutional facilities have been established and on verification of the same by conducting an inspection, the BCI could come to a conclusion if such Institution could be granted such approval for additional intake. Such a decision could be taken by the BCI only on individual application on the merits of each of such applications, therefore, there could not be any uniform decision to be taken in this regard.

13. Insofar as the need-basis theory is concerned, the fact remains that, while taking the policy decision, as reflected in the Resolution dated 11.01.2026 of the BCI, whether it is taken on the basis of any available data or not is not reflected.



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14. In this context, the learned Standing Counsel appearing for the BCI, on oral instructions, would submit that, there are records to show or data to establish that no new CLEs are required in some of the areas. Insofar as this data is concerned, the same is not available as part of the policy decision reflected in the Resolution dated 11.01.2026. Moreover, if such a decision is taken by the BCI to put a ban on CLEs to be established hereinafter on the basis of such data, where, on need-basis, there is no further need to establish any new Institution, additional intake or additional course, such a drastic decision could be taken by the BCI supported by data and in the absence of any such data being filed before this Court for judicial scrutiny, we do not wish to comment on the decision taken by the BCI on the arena of need-basis.

15. When that being the position, now, since the applications have been filed, which are pending for all these months, except a formal return of the applications and fees for conducting inspection because of the earlier moratorium notification issue dated 13.08.2025, those applications could very well be revived now and in this process, each of the writ petitioners, whose applications have been returned in limine without processing the same, can resubmit their applications at the earliest and on such resubmission, those



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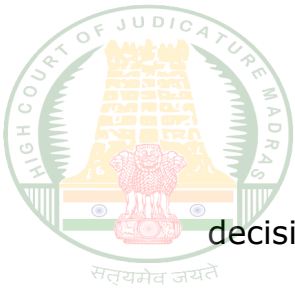
applications can be processed on its own merits, for which, if inspection is needed, such inspection also can be conducted within a time frame.

16. In this context, though we feel that two weeks' time could be granted to the BCI for completing the process and passing of final orders, the learned Standing Counsel appearing for the BCI sought four weeks' time, however, since already these writ petitioners/Institutions are running out of time and the Academic Year 2025-26 has already commenced, making further delay in processing these applications and completing the same would no way be helpful either to the Institutions or to the Students to be admitted in these Institutions, provided if they are able to establish before the BCI that they have additional infrastructural and institutional facilities to take additional intake and the purpose itself would be defeated and the infrastructural facilities created in these Institutions would be a waste not only to the Institutions, but also be a National waste.

17. Considering the totality of the situation and taking into account of the two decisions taken by the BCI, one on 13.08.2025 as well as the Resolution taken on 11.01.2026, as the latter

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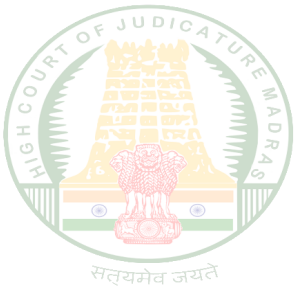
*W.P.Nos.48845 of 2025 & batch*

decision has replaced the earlier one dated 13.08.2025, and as per the present Resolution dated 11.01.2026, there could be no complete ban in processing the applications filed by the existing CLEs, we are inclined to pass the following orders in these writ petitions:-

(i) That there shall be a direction to the second respondent BCI to process the applications submitted by all these writ petitioners within a period of three weeks either from the date of receipt of a copy of this order or from the date of receipt of resubmission of the applications to be made by seven out of the nine writ petitioners, as whose applications have already been returned in limine, which ever is later.

(ii) Enabling the BCI to start processing, the seven out of the nine writ petitioners, whose applications have been returned already by the BCI, shall resubmit the applications within a period of three days from the date of receipt of a copy of this order.

(iii) It is made clear that, during the process of considering these applications, it is open to the BCI to conduct inspections and once such inspection is completed, without further delay, keep the matter in the next meeting of the BCI for



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consideration for grant of approval to these Institutions only on merit-basis, that is on fulfillment of infrastructural and institutional facilities and not on the basis of the alleged need-basis, as the policy reflected in 11.01.2026 Resolution of the BCI does not reflect with any empirical data.

(iv) Unmindful of such policy decision, such applications could be processed and final orders could be passed on or before the completion of the three weeks' period as indicated above.

18. With these directions, all these writ petitions are disposed of. However, there shall be no order as to costs. Consequently, W.M.P.Nos.54543, 54545, 54548, 54549, 54578, 54579, 54584, 54587, 54592, 54593, 54607, 54608, 54621, 54622, 54623, 54624, 54628 and 54629 of 2025 are closed.

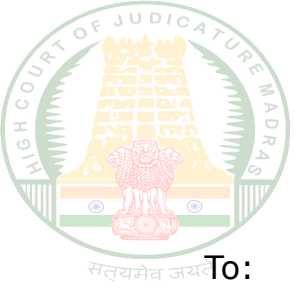
(R.S.K., J.) (S.S.A., J.)  
02.02.2026

Speaking Order  
Neutral Citation:Yes  
Internet:Yes  
Index:Yes

Note: Issue Order Copy on 04.02.2026.

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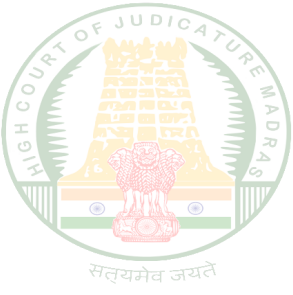


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To:

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1. The Secretary,  
Law Department, Secretariat, Chennai – 600 009.
2. The Bar Council of India,  
Represented by its Secretary, 21, Rouse Avenue,  
Industrial Area,  
New Delhi.
3. The Registrar,  
Tamil Nadu Dr.Ambedkar Law University,  
R.A.Puram, Chennai – 28.



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R. SURESH KUMAR, J.  
AND  
SHAMIM AHMED, J.

*(drm)*

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02.02.2026