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

+ **W.P.(C) 913/2021**

SHABNAM

..... Petitioner

Through: Mr. Kamlesh Mishra, Advocate.
(M:9582388509)

versus

BAR COUNCIL OF DELHI & ORS.

..... Respondents

Through: Mr. Preet Pal Singh, Adv. for R-1.
Mr. Awadhesh Kr. Singh, Advocate
for R-2 &3.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% 22.01.2021

1. This hearing has been done through video conferencing.

CM APPL. 2473/2021(for exemption)

2. Allowed, subject to all just exceptions. Application is disposed of.

W.P.(C) 913/2021 & CM APPLs. 2471-72/2021

3. The Petitioner in the present case is a law graduate who has secured 55.8 % in her LL.B. degree. She applied for enrolment as an advocate with the Bar Council of Delhi, however, an objection was raised that since she does not have 42% in her graduation which is required for an OBC candidate and thus enrolment would not be possible.

4. The case of the Petitioner is that she completed her 10th standard from CBSE board with 70% marks and 12th standard with 55% marks. She completed her graduation from the University of Delhi through the School of Open Learning, and obtained a B.Com degree with a percentage of 41.7%. She then took admission in Chaudhary Charan Singh University, Meerut for her LL.B. course which she completed with a percentage of

58.8% in December, 2020.

5. The submission of ld. counsel for the Petitioner is that under the Advocates Act, 1961 she satisfies all the required criteria. Under the Bar Council of India Rules, there is no specific bar from giving enrolment to the Petitioner. He relies upon Rule 7 of the Bar Council of India Legal Education Rules, 2008. Finally, ld. counsel for the Petitioner submits that the Petitioner's marks are 41.73% which can be rounded up to 42% and she ought to be given enrolment.

6. Ld. counsel for the Respondent submits that the Rule 7 of Bar Council of India Legal Education Rules, 2008 has been amended wherein it has been stipulated for OBC applicants the minimum percentage in graduation would be 42%. He seeks time to place on record a short affidavit along with the judgments relied upon, to contend that the rounding off is not permissible for a qualifying examination.

7. Let a short affidavit be filed by the Bar Council of India within two weeks. Issue notice to the Bar Council of Delhi. In the meantime, the application for enrolment of the Petitioner be placed before the Enrolment Committee of the Bar Council of Delhi and the decision of the Enrolment Committee be placed on record before this Court.

8. Issue notice to Mr. Ajayinder Sangwan, Secretary Bar Council of Delhi for ensuring compliance of this order. Issue notice to all other Respondents.

9. List on 15th February, 2021.

PRATHIBA M. SINGH, J.

JANUARY 22, 2021

Dj/Ap