

MANU/BH/0178/1957

Equivalent Citation: AIR1957Pat610, 1957(5)BLJR157

**IN THE HIGH COURT OF PATNA
FULL BENCH**

Misc. J.C. No. 880 of 1956

Decided On: 15.01.1957

Appellants:**M. Abdul Towheed**
Vs.

Respondent:**The Patna High Court Bar Council**

Hon'ble Judges/Coram:

Sinha , Khaleel Ahmad and Misra , JJ.

Counsel:

For Appellant/Petitioner/Plaintiff: Party in person

For Respondents/Defendant: J.N. Sahay, Adv.

ORDER

1. This is an application by one Mr. M. A. Towheed, who has lately retired as Superintendent of Police, for enrolment as an advocate for this Court, after granting him exemption under Rules 1 (v) and 2 of the Rules framed by the Patna High Court Bar Council under Sections 9 and 15 of the Indian Bar Councils Act (Act 38 of 1926).

2. The applicant, in his early career in the police department, had been appointed as a Lecturer in Criminal Law and Procedure for about two years. Later, he worked as a Prosecuting Officer for about eight years, and conducted a large number of important criminal cases, and he had been working as Superintendent of Police, in-charge of a district, for the last nine years. In these circumstances, a prayer was made for enrolment and for exemption from the rules mentioned above. Under Rule 11 of the said Rules (Vide Appendix D, Chapter II) of the High Court Rules.) "The High Court may in special cases after consulting the Bar Council exempt any candidate from all or any of the requirements of the Rules framed under Sections 9 and 15 of the Act, and, on such exemption being granted, the said candidate shall be deemed to have complied with the Rules." According to this rule, this Court consulted the Bar Council, which objected to the enrolment of the applicant as an advocate of this Court. Notice was, therefore, given to the Bar Council and to the applicant, and they have been heard.

3. Mr. Sahay, on behalf of the Bar Council, has submitted that in view of the fact that the case of the applicant cannot be differentiated from the case of Mr. Baleshwar Upadhyaya, who has already been enrolled as an advocate of this Court, upon the recommendations of the Bar Council, he cannot support the objection of the Bar Council. Sub-rule (v) of Rule 1, which lays down the qualifications for enrolment of an advocate of this Court, provides that a person may be admitted as an advocate of this Court, if he has graduated in law from any of the several universities mentioned therein, and has practised as a pleader in a district Court or a sub-divisional Court for a period of three years, and has also secured a certificate of efficiency from the District Judge.

There is another Rule 2 which provides for admission of a person as an advocate of this Court covered by Sub-rules (i), (iii) and (iv) of Rule 1. provided that that person has undergone a course of training for one year in the chambers of an advocate on the roll of this Court. Now, the petitioner had been enrolled as a pleader by this Court sometime in the year 1929. the certificate of enrolment had not been issued to him. He, therefore, does not answer the requirements of Sub-rule (v) of Rule 1.

He also does not fulfil the requirements of Rule 2 aforesaid. In view, however, of the fact that he had worked as a Lecturer in Criminal Law and Procedure and worked as a Prosecuting Officer for about eight years and also remained incharge of district as Superintendent of Police, it must be said that, at one time or the other, he had always been in touch with law and its administration, in one form or the other. In that view of the matter, we think, a special case has been made out for his exemption from the aforesaid rules, and we hold that the applicant, Mr. Towheed, should be exempted from the operation of those rules in regard to admission of advocates, and he should be enrolled as an advocate of this Court,

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