

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE SHAJI P.CHALY**

Wednesday, the 15th day of February 2023 / 26th Magha, 1944
WP(C) NO. 3068 OF 2023(G)

PETITIONERS:

1. AKSHAI M. SIVAN, AGED 25 YEARS S/O. M B SIVAN, MALLAPPILLIL HOUSE, RAJAKUMARI PO, RAJAKUMARI, IDUKKI PIN - 685619.
2. ALEENA JOSE, AGED 24 YEARS D/O. JOSE, NALUKANDATHIL HOUSE, AYATHUPADY, KOOVAPPADY PO PIN - 683544.
3. ANNA MARY KACHAPPILLY, AGED 27 YEARS D/O. POLY K.P., KACHAPPILLY HOUSE, NJARACKAL PO, ERNAKULAM PIN - 682505
4. ASLAM K.K., AGED 27 YEARS S/O.KAMAL,KADAVIL HOUSE, SOUTH VELLARAPPILLY PO,SREEMOOLANAGARAM, ALUVA, ERNAKULAM PIN - 683580
5. AVANTHIKA R., AGED 24 YEARS D/O. RAJENDRA BHASKARAN NAIR, AISWARYA, S L PURAM PO, ALAPPUZHA PIN - 688523
6. GOKUL B, AGED 25 YEARS S/O. P BALAKRISHNA WARRIER, BHAKTHAPRIYAM, CHITRAPILLIL ROAD, MUPPATHADOM PO, ALUVA PIN - 673110
7. HARI P SUNIL, AGED 24 YEARS S/O. P V SUNIL, PUZHAKKARATHUNDIYIL HOUSE, KOKKAPPILLY PO, VENNIKULAM, ERNAKULAM PIN - 682305
8. JAIN JAISON MATHEW, AGED 25 YEARS S/O. JAISON MATHEW, POTTACKAL HOUSE, EAST MARADY PO, MUVATTUPUZHA PIN - 686673
9. MUHAMMED ABDUL BASITH E.A, AGED 30 YEARS S/O. ABDUL HAMEED E.A., ETHYIL HOUSE, SOUTH VAZHAKULAM PO, ALUVA PIN - 683105
10. ROY ANTONY, AGED 25 YEARS S/O. ANTONY CHACKO, THEKKANATH HOUSE, KIZHUPPILLIKARA PO, THRISSUR PIN - 680702

RESPONDENTS:

1. BAR COUNCIL OF KERALA, BAR COUNCIL BHAVAN, HIGH COURT CAMPUS, ERNAKULAM - 682 031 REPRESENTED BY ITS CHAIRMAN .
2. BAR COUNCIL OF INDIA, 21,ROUSE AVENUE INTERNATIONAL AREA NEAR BAL BHAWAN,NEW DELHI-110 002 REPRESENTED BY ITS CHAIRMAN.

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to Direct the 1st and 2nd respondents to accept the application for enrolment of the petitioners along with an enrolment fee of Rs. 750/- only, to process the application, and to permit the petitioners to be enrolled at the upcoming enrolment to be conducted by the first respondent, pending the disposal of this Writ Petition.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this court's order dated 31-01-2023 and upon hearing the arguments of M/s.SANTHOSH MATHEW, ARUN THOMAS, KARTHIKA MARIA, VEENA RAVEENDRAN, ANIL SEBASTIAN PULICKEL, ABI BENNY AREECKAL, MATHEW NEVIN THOMAS, KURIAN ANTONY MATHEW, KARTHIK RAJAGOPAL, MANASA BENNY GEORGE, SANITA SABU VARGHESE, Advocates for the petitioners, Sri.GRACIOUS KURIAKOSE Advocate for R1 ,the court passed the following:

SHAJI P.CHALY, J.

=====

W.P.(C). No. 3068 of 2023

=====

Dated this the 15th day of February, 2023

ORDER

This writ petition is filed by the petitioners basically challenging the fee charged by the Bar Council for enrollment other than the fee prescribed under law of Rs.750/-. The said question was earlier considered by a learned Single Judge of this Court in ***Koshy T. v. Bar Council of Kerala, Ernakulam and Another (2017 KHC 553)***, and held that without any power conferred under the statute, the Bar Council is not entitled to collect such fee other than a fee of Rs.750/- prescribed under law. In that view of the matter, I think it is only appropriate that the Bar Council is directed to receive applications for enrollment without insisting for any additional fee other than Rs. 750/- prescribed under law.

2. Learned Counsel appearing for the State Bar Council Sri. Gracious Kuriakose submitted that Rs.750/- is a meager amount and various other expenditures would have to be incurred by the Bar Council in order to permit the candidate to enroll as an advocate. Whatever that be, when this specific question was considered by this Court in ***Koshy T. (supra)***, which has become conclusive and final, it

may not be appropriate on my part to direct the petitioners to pay the entire amount claimed by the Bar Council and receive applications for enrollment.

In that view of the matter, there will be a direction to the respondent Bar Council to receive applications from the petitioners with a fee of Rs.750/-, which will be subject to the result of this writ petition.

Sd/-

SHAJI P.CHALY
JUDGE



uu
15.02.2023