

News

A 1995 evening LLB graduate petitions the Kerala High Court against enrollment rejection and exorbitant enrollment fees.



The case was postponed till September 3 after Justice P Krishna Kumar on Monday requested the BCK's response.

Citing 2008 regulations that do not recognize evening law courses, a retired government employee who earned an LLB degree in 1995 through evening courses has petitioned the Kerala High Court to overturn the Kerala Bar Council's (BCK) decision to deny him admission

as an advocate [**PS Vijayakumaran v Union of India & ors**].

PS Vijayakumaran, the petitioner, has also contested the ₹60,400 enrollment cost that he would have to pay, arguing that it is significantly more than the ₹750 enrollment charge set by Section 24 of the Advocates Act, 1961.

The case was postponed till September 3 after Justice P Krishna Kumar on Monday requested the BCK's response.

Vijayakumaran said in his plea that he had earned his LLB in 1995 via evening courses at Government Law College Calicut.

He claimed that because evening courses were not recognized by the Rules of Legal Education, 2008, the State Bar Council's online website denied his application to become an advocate.

According to the petitioner, he earned the degree long before the 2008 regulations were implemented. He argued that a candidate who finished an evening LLB degree before the 2008 rules were implemented had the right to be enrolled as an advocate, citing the Kerala High Court's ruling in Suresh CP vs. Bar Council of Kerala.

Thus, Vijayakumaran has claimed that the denial of his membership is capricious and a violation of Articles 14, 19, and 21 of the Indian Constitution.

Additionally, he contested the price schedule established by the Bar Council of Kerala and the Bar Council of India, which demands that he pay ₹60,400 for enrollment, which includes ₹15,000 for applications submitted more than ten years after graduation and ₹25,000 as a special cost for retired personnel.

Citing recent rulings, such as the Supreme Court's ruling in Gaurav Kumar v. Union of India and KLJA Kiran Babu v. Karnataka State Bar Council Contempt Petition and the Kerala High Court's ruling in Bar Council of Kerala v. T Koshy, the petitioner argued that charging more than ₹750 was unlawful and unconstitutional because Section 24(1)(f) of the Advocates Act

stipulates that the statutory enrollment fee is only ₹750.

Furthermore, the petitioner emphasized his financial situation and stated that he was unable to pay such a hefty enrollment fee, citing his wife's ongoing cancer treatment, which necessitated monthly medication costs exceeding ₹85,000.

He claimed that the refusal of enrollment has an impact on his family's standard of living in addition to violating his freedom to perform a profession under Article 19(1)(g).

"Levy of the exorbitant sum Rs. 60,400/- for enrolment, in an act of illegal, unconstitutional gatekeeping by the respondents (BCI and BCK) amounts to violation of the petitioner's fundamental rights under Articles 14, 19 and 21 of the Constitution," read the appeal.

Advocates Samah Abdul Majid and PV Uttara filed the petition.