



2025:KER:31247

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

FRIDAY, THE 11TH DAY OF APRIL 2025 / 21ST CHAITHRA, 1947

WP(C) NO. 36946 OF 2024

PETITIONER:

V.S GOURISHANKAR
AGED 18 YEARS
S/O V.V.SURESH, GVLRA-16,
GAYATHRI NIVAS, AYAAN ARCADE LANE,
ELAMAKKARA, ERNAKULAM,
PIN - 682026

BY ADV
SRI.V.V.SURESH

RESPONDENTS:

- 1 BAR COUNCIL OF INDIA
21, ROSE AVENUE,
INSTITUTIONAL AREA, NEAR BAL BHAWAN,
NEW DELHI
REPRESENTED BY ITS SECRETARY, PIN - 110002
- 2 BAR COUNCIL OF KERALA
REP BY ITS SECRETARY, BAR COUNCIL BHAVAN,
HIGH COURT ROAD, ERNAKULAM,
PIN - 682031
- 3 THE PRINCIPAL
SREE NARAYANA LAW COLLEGE, PUTHENKAVU,
POOTHOTTA P.O, ERNAKULAM,
KERALA, PIN - 682037



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- 4 SREE NARAYANA LAW COLLEGE
PUTHENKAVU, POOTHOTTA P.O,
ERNAKULAM ,KERALA
REP BY ITS PRINCIPAL,
PIN - 682037
- 5 COMMISSIONER OF ENTRANCE EXAMINATIONS
O/O THE COMMISSIONER OF ENTRANCE EXAMINATIONS
5TH FLOOR KSHB BUILDING, SS KOIL ROAD,
SANTHI NAGAR, THIRUVANANTHAPURAM,
PIN - 695001
- 6 NATIONAL INSTITUTE OF OPEN SCHOOLING
A-24/25, INSTITUTIONAL AREA,
SECTOR-62, NOIDA,
GAUTHAM BUDH NAGAR UTTER PRADESH,
PIN - 201309

BY ADVS.
SRI.C.DINESH
SMT.M.U.VIJAYALAKSHMI
SRI.RAJIT
SRI.V.VENULPAL, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 18.02.2025 AND THE COURT ON 11.04.2025 DELIVERED THE
FOLLOWING:



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N. NAGARESH, J.

.....
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.....

Dated this the 11th day of April, 2025

J U D G M E N T

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The petitioner, a student of Sree Narayana Law College, Poothotta, is before this Court seeking to direct the 3rd respondent to admit the petitioner for the Integrated BA LLB (Hons) Course. The petitioner seeks to set aside Ext.P10 rejection letter issued by the 3rd respondent.

2. The petitioner states that his application for admission to Integrated Five Year LLB Course was not entertained by the 3rd respondent-Principal stating that the petitioner has passed Secondary and Senior Secondary Examinations from the National Institute of Open Schooling



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(NIOS). According to the petitioner, under Rule 5(b) of the Legal Education Rules of the Bar Council of India, the basic qualification for Five Year Integrated LLB Course is X (Secondary) and essential qualification is Plus Two (Senior Secondary). According to the petitioner, a student, who passed matriculation without undergoing the study of Primary, Upper Primary and High School Classes and has passed Secondary Examination on a single sitting, is not eligible for admission.

3. The petitioner started his studies in Bhavans Adarsha Vidyalaya English Medium Syllabus School and he continued his studies there. The petitioner continued his studies in Bhavans Adarsha Vidyalaya till Standard VIII. In that year, due to certain unhappy incidents in domestic life, the petitioner was mentally upset and underwent high depression for which treatment had to be taken from Psychology Department of Amrita Institute of Medical



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Sciences. The Principal of Bhavans Adarsha Vidyalaya transferred the petitioner to Bhavans Vidyamandir, Elamakkara to Class IX. The petitioner studied in Class IX and X in Bhavans Vidyamandir, Elamakkara regularly attending classes. After passing 11th Standard, the petitioner appeared for Secondary School Certificate Examination conducted by the NIOS.

4. The petitioner states that as the petitioner was a regular student under CBSE Stream in Primary, Upper Primary and High School Classes, he is having the basic qualification for joining the LLB Course. As per Rule 5(b) of BCI Rules, the petitioner is entitled to get admission to Integrated Five Year LLB Course. Therefore, the petitioner applied for Entrance Examination for admission to LLB Course.

5. Ext.P7 Prospectus of the Entrance Examination did not state that a candidate is not eligible for



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LLB admission if the basic qualification is under the NIOS Scheme. Having scored good marks in the Entrance Examination, the petitioner got primary allotment in the State merit list in Sree Narayana Law College, Poothotta as per Ext.P8.

6. The respondents did not raise any objection regarding the basic qualification of the petitioner at that time. However, on 18.10.2024, when the petitioner appeared before the 3rd respondent with original certificates for verification, the 3rd respondent refused to admit the petitioner on the ground that the petitioner has passed both the basic and qualifying examinations under the NIOS Scheme. The petitioner produced Ext.P9 Course Certificate from the Principal, Bhavans Vidyamandir, Elamakkara, which certified that after passing the 8th Standard under CBSE, the petitioner was *bona fide* student of Bhavans Vidyamandir, Elamakkara for Classes IX and X. Ext.P9 would show that the petitioner has



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undergone the basic qualification course as a regular student.

7. In the afore circumstances, the petitioner prayed to direct the 3rd respondent to admit the petitioner for the Integrated BA LLB (Hons) in Sree Narayana Law College, Poothotta pursuant to Ext.P8 First Phase Allotment Memo.

8. The 6th respondent-NIOS filed a statement in the writ petition. The 6th respondent stated that NIOS is one of the three National Level Boards and is at par with other National Level Boards like CBSE and ICSE. The Secondary / Senior Secondary Certification of NIOS are recognised by the Government of Kerala and all State Boards across India. The Association of Indian Universities as per Ext.R6(b), granted equivalent to the courses of NIOS with those of the examinations of recognised Boards for the purpose of admission to higher studies. The NIOS is imparting education without compromising on the values of teaching, learning and academic standards. The NIOS is national level Board



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equivalent to CBSE and State Boards. The 6th respondent submitted that the contentions raised by the 6th respondent be upheld. Respondents 1 to 5 did not opt to file counter affidavit in the writ petition.

9. I have heard the learned counsel for the petitioner, the respective Standing Counsel for respondents 1, 2 and 6 and the learned Government Pleader representing the 5th respondent.

10. When this writ petition came up for admission on 21.10.2024, this Court passed an interim order staying the operation of Ext.P10 with a direction to the 3rd respondent to admit the petitioner for Integrated BA LLB (Hons) in the College on the basis of Ext.P8 provisionally and subject to further orders to be passed by this Court. It was specifically stated in the interim order that the interim order is passed taking note of the certificate dated 21.10.2024 produced by the petitioner wherein it is certified that he was a



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regular student of NIOS Study Centre of Bhavans Vidyamandir, Elamakkara.

11. The petitioner is challenging Ext.P10. In Ext.P10, the Pincipal of the 3rd respondent-College has stated that as per Rule 5 of the BCI Rules, 2008, an applicant who has obtained 10 + 2 or Graduation / Post Graduation through Open University System directly without having any basic qualification for prosecuting such studies are not eligible for admission in the Law Course. The petitioner obtained 10th and 10+2 pass certificate from NIOS. The petitioner has completed both basic and qualifying examinations under NIOS Scheme and not in regular Scheme. Therefore, the application for admission to BA LLB (Hons) Course violates the Rules of BCI and the petitioner is not to be considered for admission.

12. Rule 5(b) of the Bar Council of India Rules of Legal Education reads as follows:



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5. Eligibility for admission:

(a) Three Year Law Degree Course: An applicant who has graduated in any discipline of knowledge from a University established by an Act of Parliament or by a State legislature or an equivalent national institution recognized as a Deemed to be University or foreign University recognized as equivalent to the status of an Indian University by an authority competent to declare equivalence, may apply for a three years' degree program in law leading to conferment of LL.B. degree on successful completion of the regular program conducted by a University whose degree in law is recognized by the Bar Council of India for the purpose of enrolment.

(b) Integrated Degree Program: An applicant who has successfully completed Senior Secondary School course ('+2') or equivalent (such as 11+1, 'A' level in Senior School Leaving certificate course) from a recognized University of India or outside or from a Senior Secondary Board or equivalent, constituted or recognized by the Union or by a State Government or from any equivalent institution from a foreign country recognized by the government of that country for the purpose of issue of qualifying certificate on successful completion of the course, may apply for and be admitted into the program of the Centres of Legal Education to obtain the integrated degree in law with a degree in any other subject as the first degree from the University whose such a degree in law is recognized by the Bar Council of India for the purpose of enrolment.

Provided that applicants who have obtained + 2 Higher Secondary Pass Certificate or First Degree Certificate after prosecuting studies in distance or correspondence method shall also be



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considered as eligible for admission in the Integrated Five Years course or three years' LL.B. course, as the case may be.

Explanation: The applicants who have obtained 10 + 2 or graduation / post graduation through open Universities system directly without having any basic qualification for prosecuting such studies are not eligible for admission in the law courses.

13. A reading of Rule 5(b) would indicate that for admission to Integrated Degree Program, an applicant has to successfully complete Senior Secondary School Course (Plus Two) or equivalent from a recognised University of India or outside or from a Senior Secondary Board or equivalent constituted or recognised by the Union or by a State Government or from any equivalent institution from a foreign country recognised by the government of that country. The proviso to Rule 5(b) states that applicants who have obtained Plus Two Higher Secondary pass certificate or first degree certificate after prosecuting studies in distance or correspondence method shall also be considered as eligible for



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admission.

14. The petitioner has undergone his 8th Standard studies in Bhavans Adarsha Vidyalaya affiliated to CBSE, as is evident from Ext.P4. The petitioner would assert that he continued his studies in Bhavans Vidyamandir, Elamakkara in Standards IX and X attending regular classes. The petitioner passed 9th and 10th Standard Examinations under the NIOS Scheme. Therefore, it must be treated that he is having basic qualification under an autonomous institution under the Ministry of Education.

15. Rule 5(b) of the BCI Rules on Legal Education provides that an applicant who has successfully completed Senior Secondary Course from a recognised University of India or outside or from a Senior Secondary Board or equivalent constituted or recognised by the Union or by a State Government may apply for and be admitted into the program of Integrated Degree in Law. The National Institute



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of Open Schooling (NIOS) is an Autonomous Institution under the Department of School Education and Literacy, Ministry of Education, Government of India.

16. The 6th respondent-NIOS has produced Ext.R6(b) letter dated 25.07.1991 of the Association of Indian Universities which states that the Association of Indian Universities has granted equivalence of the courses of NOS with those of other examinations of recognised Boards for purpose of admission to higher studies at Indian Universities. The statement also divulges that NIOS Academic Study Centres are mostly Schools, recognised by National and State Boards.

17. As the petitioner has been a regular school student during the period in which the petitioner obtained basic qualification and the Certificate issued by the NIOS is recognised by all Universities as per the directions of the Association of Indian Universities, I am of the view that the



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petitioner should be treated as eligible for admission to the Integrated BA LLB (Hons) Degree, in the light of Rule 5(b) of the BCI Rules.

The writ petition is therefore allowed. The admission of the petitioner to the Integrated BA LLB (Hons) Course in the 4th respondent-College should be treated as regular. Ext.P10 is set aside.

Sd/-

N. NAGARESH, JUDGE

aks/09.04.2025



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APPENDIX OF WP(C) 36946/2024

PETITIONER'S EXHIBITS

- | | |
|------------|--|
| Exhibit P1 | TRUE COPY OF THE PROMOTION CHART OF STANDARD 1 OF BHAVANS ADARSH VIDYALAYA KAKKANAD |
| Exhibit P2 | TRUE COPY OF THE PROMOTION CERTIFICATE OR STANDARD V OF BHAVANS ADARSH VIDYALAYA |
| Exhibit P3 | A TRUE COPY OF THE PROMOTION CERTIFICATE OF STANDARD VII OF BHAVANS ADARSHA VIDYALAYA |
| Exhibit P4 | TRUE COPY OF THE PROMOTION CERTIFICATE OF VIIITH STANDARD TO IX OF PETITIONER |
| Exhibit P5 | TRUE COPY OF THE 10TH STANDARD PASSED CERTIFICATE ISSUED BY NIOS DATED 14-06-2022 |
| Exhibit P6 | TRUE COPY OF THE SENIOR SECONDARY PASSED CERTIFICATE ISSUED BY NIOS DATED 21-06-2024 |
| Exhibit P7 | TRUE COPY OF THE NOTIFICATION OF CEE ,KERALA OF THE ENTRANCE EXAMINATION LLB FIVE YEAR INTEGRATED COURSE ADMISSION 2024 DATED 26-07-2024 |
| Exhibit P8 | TRUE COPY OF THE FIRST PHASE ALLOTMENT MEMO DATED 11-10-2024 |
| Exhibit P9 | A TRUE COPY OF THE COURSE CERTIFICATE ISSUED BY THE PRINCIPAL, BHAVANS VIDYA MANDIR , ELAMAKKARA DATED 19-10-2024 |



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Exhibit P10 TRUE COPY OF THE REJECTION LETTER
ISSUED BY 2ND RESPONDENT DATED 19-10-
2024

Exhibit P11 TRUE COPY OF THE RELEVANT PAGES OF THE
PROSPECTUS 2024-25 OF NATIONAL
INSTITUTE OF OPEN SCHOOLING

Exhibit P12 TRUE COPY OF THE COURSE CERTIFICATE
ISSUED BY THE PRINCIPAL (CO-ORDINATOR
) BHAVANS VIDYA MANDIR ELAMAKKARA DATED
21-10-2024

RESPONDENTS' ANNEXURES

Annexure-R6 (a) TRUE COPY OF THE RESOLUTION PUBLISHED
IN THE GAZETTE OF INDIA, NO.F.5-24/90
SCHEDULE 3, DATED 14.09.1990

Annexure-R6 (b) TRUE COPY OF THE VIDE LETTER NO.EV /II
(354)/91 DATED 25.07.1991