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

% *Judgment reserved on: 08.09.2026*
Judgment pronounced on: 08.10.2026
Judgment uploaded on: 08.10.2026

CNR No. DLHC010225312026

+ **W.P.(C) 6895/2026, CM APPL. 33864/2026, CM APPL. 33865/2026, CM APPL. 39306/2026 & CM APPL. 39307/2026**

DIPINDER KAURPetitioner

Through: Mr. Mohit Mathur and Mr. Amit Chadha, Senior Advocates, with Mr. Amitabh Narendra, Mr. Naginder Benipal, Mr. Sanjay Gupta, Mr. Ramit Malhotra, Mr. Amit Chaudhary, Mr. Ankit Siwach, Mr. Vignesh, Mr. Harjas Singh, Mr. Dhruv Tomar, Mr. Atin Chadha, Mr. Saarthak Sethi and Mr. Jaskaran, Advocates

versus

BAR COUNCIL OF DELHI & ORS.Respondents

Through: Mr. Jayant Mehta and Mr. T. Singhdev, Senior Advocates, with Mr. Tanishq Srivastava, Mr. Bhanu Gulati, Ms. Anum Hussain, Ms. Yamini Singh, Mr. Sourabh Kumar, Ms. Sidhika Nagrath, Advocates for BCD/R-1.
 Mr. Gaurav Sarin, Senior Advocate, with Mr. Preet Pal



Singh, Ms. Simran Kumari, Ms.
Pooja and Mr. Virat Raj Mishra,
Advocates for BCI/ R-2
Mr. Abhijit Chakravaty,
Advocate for R-3.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

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DR. SWARANA KANTA SHARMA, J

1. The petitioner before this Court is a practising Advocate, who was enrolled with the Bar Council of Delhi [hereafter '**BCD**'] in the year 2019. Nearly seven years after her enrolment, while she was



contesting the elections to the BCD in the year 2026, certain complaints were lodged against her, questioning the genuineness of a caste certificate allegedly furnished by her, *inter alia*, at the time of seeking admission to the LL.B. course and, subsequently, at the time of her enrolment as an Advocate with the BCD. The proceedings initiated pursuant thereto ultimately culminated in the Bar Council of India [hereafter '**BCI**'] passing the impugned order dated 07.05.2026, directing removal of the petitioner's name from the State Roll of Advocates maintained by the BCD.

2. Aggrieved by the said order, as well as the consequential cancellation of her candidature in the 2026 elections to the BCD, the petitioner approached this Court by way of the present petition, seeking following reliefs:

“(a) Issue a writ of certiorari or any other appropriate writ, order or direction, calling for the records of the case and quashing the impugned order dated 7.05.2026 passed by the Bar Council of India under the proviso to Section 26(1) of the Advocates Act, 1961, whereby the name of the Petitioner has been removed from the roll of advocates;

(b) Issue a writ of mandamus or any other appropriate writ, order or direction directing the Respondent(s) (Bar Council of India and Bar council of Delhi) to restore the name of the Petitioner in the roll of advocates forthwith and to issue necessary certificate/notification in this regard;

(c) Consequently, Issue a writ of mandamus or any other appropriate writ, order or direction directing the Respondent(s) (Elections committee, BCD Elections, 2026) to quash the resolution dated 12.05.2026 passed by Election Committee of Bar Council of Delhi by which candidature of the petitioner has been cancelled by the respondent no.3 in view of said order dated 7.05.2026 in the ongoing BCD Elections.

(d) Issue a writ of mandamus directing the Respondents not to give effect to the impugned order and to treat the Petitioner as a duly enrolled advocate during the pendency of the present petition;



(e) Grant an interim stay on the operation and implementation of the impugned order dated 7.05.26 during the pendency of the present writ petition;

(f) Grant an interim stay on the operation of order/direction, if any, of Returning officer, deleting or eliminating her candidature from BCD elections on the basis of impugned order.”

FACTUAL BACKGROUND

3. The facts of the case, as discernible from the material placed on record by the petitioners as well as the respondents, are that the petitioner had graduated from the University of Delhi in the year 2012, securing 44.5% marks. She thereafter pursued the LL.B. course from IMIRC College of Law [hereafter ‘**the Law College**’], affiliated to Chaudhary Charan Singh University, Meerut, Uttar Pradesh [hereafter ‘**CCS University**’], and obtained her LL.B. degree in the year 2019, having secured 53.1% marks. According to the petitioner, during the academic session 2016-2017, the eligibility prescribed by CCS University for admission under the General category was 44.5% marks and she was admitted to the LL.B. course under the General category.

4. On 17.12.2019, the petitioner applied for enrolment as an Advocate with the BCD. The application was accompanied by, *inter alia*, her educational certificates, marksheets, degree and other documents, as also a caste certificate dated 11.10.2011 purportedly issued by the Government of Uttar Pradesh [hereafter ‘**the Caste Certificate**’]. The Caste Certificate described the petitioner as belonging to the OBC category and purported to bear the signature of one Mr. Ahmad Mansoor, stated therein to be the Tehsildar, Tehsil



Vasundhara, Ghaziabad, Uttar Pradesh. The petitioner also furnished an affidavit dated 11.12.2019 and an undertaking in connection with her enrolment application. The BCD thereafter granted her enrolment *vide* Enrolment No. D/10589/2019 on 23.12.2019. The documents submitted by the petitioner along with her enrolment application, including the aforesaid caste certificate, were subsequently scanned and entered into the electronic database maintained by the BCD on 28.08.2021. The petitioner continued to practise as an Advocate thereafter.

5. In the year 2025, an Election Notice dated 24.12.2025 was issued for the 2026 elections to the BCD, and the petitioner submitted her nomination to contest the said elections. While the counting of votes in the said elections was in progress, the BCD received two complaints dated 19.03.2026, one from Mr. Amok Kumar Gupta, Advocate, and the other from Mr. Ankur Yadav. Both complaints raised allegations concerning the Caste Certificate furnished by the petitioner, and alleged that she had secured admission in the LL.B. course as well as her enrolment with the BCD, on the basis of a fabricated Caste Certificate, with a view to obtaining relaxation in the minimum qualifying marks.

6. The petitioner was, at the relevant time, among the leading women candidates in the election. The petitioner states that she was placed second amongst the women candidates on 18.03.2026 and third amongst the women candidates after completion of counting of first-preference votes.



7. Upon receipt of the aforesaid complaints, the BCD, by communication dated 20.03.2026, forwarded the Caste Certificate to the District Magistrate, Ghaziabad, Uttar Pradesh, for verification of its genuineness. The BCD also addressed a communication dated 24.03.2026 to the concerned Law College, affiliated to CCS University, followed by a reminder dated 28.03.2026, seeking the records and documents submitted by the petitioner at the time of her admission to the LL.B. course.

8. The Tehsildar, Ghaziabad, by communication dated 25.03.2026, responded to the BCD stating that the Caste Certificate dated 11.10.2011 had not been issued to the petitioner. The communication further stated that there was no Tehsil named “Vasundhara” in Ghaziabad District and that no Tehsildar by the name of Mr. Ahmad Mansoor was employed in the concerned Tehsil. On the basis of the said verification, the BCD treated the Caste Certificate submitted by the petitioner as forged/fabricated.

9. Separately, the Law College, by its communication dated 28.03.2026, informed the BCD that, as per its records, the petitioner had not submitted any caste certificate at the time of admission to the LL.B. course, and that she had been admitted under the General category. The college further stated that admissions under the General category were granted to candidates who had secured a minimum of 44.5% marks in graduation. Thus, while the verification obtained from the Tehsildar, Ghaziabad raised an issue regarding the genuineness of the Caste Certificate furnished by the petitioner at the



time of her enrolment with the BCD, the Law College's communication stated that the said Certificate had not been submitted at the stage of admission to the LL.B. course.

10. The Enrolment Committee of the BCD considered the material available on record, including the verification report dated 25.03.2026 received from the Tehsildar, Ghaziabad. In its meeting held on 28.03.2026, the Enrolment Committee decided to issue a show-cause notice to the petitioner in respect of the allegations concerning submission of the Caste Certificate. A show-cause notice dated 28.03.2026 was accordingly issued to the petitioner, along with the Caste Certificate dated 11.10.2011 and the verification report dated 25.03.2026. The petitioner submitted her reply dated 02.04.2026. She disputed the allegations and, *inter alia*, sought copies of the complaints and her enrolment form and also sought a short adjournment on the ground that she was out of station in connection with her brother's marriage. The Enrolment Committee considered the matter on 02.04.2026 and, after considering the material placed before it, including the petitioner's reply, concluded that the petitioner had violated the *proviso* to Section 26(1) of the Advocates Act, 1961 [hereafter '**the Advocates Act**']. The Enrolment Committee decided to suspend the petitioner's licence to practise and recommended to the BCI that her name be removed from the rolls of the BCD. The said decision was placed before the Special Committee of the BCD at its meeting held on the same date and was approved.



11. The BCD thereafter forwarded the relevant records and proceedings to the BCI by its communication dated 04.04.2026 for further action under the proviso to Section 26(1) of the Advocates Act. The BCD subsequently issued a Notification dated 06.04.2026, giving effect to the suspension of the petitioner's licence to practise with effect from 02.04.2026 and recording its recommendation for removal of her name from the rolls of the BCD.

12. Upon receipt of the reference from the BCD, the BCI initiated proceedings under the proviso to Section 26(1) of the Advocates Act. A show-cause notice was issued to the petitioner, calling upon her to explain why her name should not be removed from the roll of advocates on the ground that her admission to the LL.B. course and her subsequent enrolment with the BCD had been procured by misrepresentation of material facts and by submission of a false/fabricated caste certificate dated 11.10.2011. The petitioner submitted a reply dated 10.04.2026 before the BCI and thereafter an additional reply dated 20.04.2026. The BCD also filed its response dated 20.04.2026 before the BCI. In its said response, the BCD, *inter alia*, relied upon the petitioner's enrolment application and the documents accompanying it, including the Caste Certificate dated 11.10.2011, as well as the verification report of the Tehsildar, Ghaziabad. The BCD also relied upon its earlier resolutions concerning the eligibility and enrolment of candidates in the General and OBC categories.

13. The proceedings before the BCI were thereafter considered by



its Sub-Committee. On 13.04.2026, the matter was adjourned for further consideration and additional submissions. The hearing was subsequently taken up on 20.04.2026 before a reconstituted Sub-Committee.

14. During the proceedings before the BCI, the petitioner maintained that she had been admitted to the LL.B. course under the General category and that the Caste Certificate in question had not been used for securing admission to the LL.B. course. The petitioner also disputed the allegations regarding the Caste Certificate and relied upon the communication dated 28.03.2026 issued by the Law College stating that she had not submitted any caste certificate at the time of admission. *On the other hand*, the BCD relied upon the Caste Certificate forming part of the petitioner's enrolment record and the verification received from the revenue authorities, and contended that the petitioner had furnished the said Certificate along with her application for enrolment.

15. The matter was finally heard on 22.04.2026 after the parties had placed their respective submissions and documents on record, and was thereafter reserved for orders.

16. The BCI thereafter passed the impugned order dated 07.05.2026. By the said order, the reference made by the BCD under Section 26(1) of the Advocates Act was allowed and the BCI directed removal of the petitioner's name from the rolls of advocates maintained by the BCD, having concluded that her enrolment had been obtained by fraud and misrepresentation. The BCD was directed



to carry out the necessary corrections in its records and communicate compliance within the stipulated period. The certificate of enrolment issued to the petitioner was also directed to be cancelled/withdrawn, with the order recording that she would cease to be entitled to practise as an Advocate. The operative portion of the impugned order reads as under:

“12. Overall Conclusion

12.1. Having considered the pleadings, documents, verification reports, submissions of counsel, judgements and the applicable statutory framework, this Council records the following conclusions:

- i. The reference made by the Bar Council of Delhi is maintainable.
- ii The respondent was given adequate opportunity of hearing.
- iii The disputed OBC certificate is found to be forged and fabricated.
- iv. The disputed document is found to have formed part of the respondent’s enrolment record.
- v. The respondent is found to have obtained enrolment by fraud/misrepresentation as to an essential fact.
- vi. The allegations of mala fides are not established, thus unfounded.
- vii. The respondent is liable to have her name removed from the roll of advocates.

12.2 Thus, the reference made by the Bar Council of Delhi is allowed.

12.3 It is held that Ms. Dipinder Kaur, Advocate, Enrollment No. D/10589/2019, obtained enrolment by fraud/ misrepresentation.

12.4. Accordingly, in exercise of powers under the proviso to Section 26(1) of the Advocates Act, 1961, the name of Ms. Dipinder Kaur, Advocate, Enrollment No. D/10589/2019, is directed to be removed from the roll of advocates maintained by the Bar Council of Delhi.

12.5. The Bar Council of Delhi shall carry out necessary consequential corrections in its records and communicate compliance to the Bar Council of India within ten days.

12.6. The Certificate of Enrolment issued to the respondent advocate shall stand cancelled/withdrawn.

12.7. The respondent shall cease to be entitled to practise as an advocate from the date of this order.

13. Clarification

13.1. Nothing stated in this order shall be construed as an expression



on issues not directly arising from the present reference, including any independent criminal, civil, election-related, or disciplinary proceedings which may be pending or may be initiated in accordance with law.

13.2. The observations made herein are confined to the present proceedings under Section 26 of the Advocates Act, 1961....”

17. The decision dated 07.05.2026 was thereafter ratified by the General Council of the BCI in its meeting held on 09.05.2026 and was communicated to the petitioner by the BCI *vide* letter dated 10.05.2026. In consequence of the aforesaid order of the BCI, the Election Committee of the BCD passed a resolution dated 12.05.2026 cancelling/eliminating the petitioner’s candidature in the ongoing elections to the BCD. The petitioner was informed of the said resolution on 13.05.2026.

18. Aggrieved by the impugned order dated 07.05.2026 passed by the BCI and the consequential cancellation of her candidature in the BCD elections, the petitioner preferred the present petition.

SUBMISSIONS BEFORE THE COURT

On Behalf of the Petitioner

19. The learned senior counsel appearing for the petitioner argues that the impugned order passed by the BCI is unsustainable, both on facts and in law, having been passed in breach of the principles of natural justice and on the basis of assumptions which were never established by any proper inquiry.

20. It is contended that the entire proceedings were initiated and concluded with undue haste, at a time when the petitioner was



contesting the 2026 elections to the BCD and was amongst the leading women candidates. The two complaints were received on 19.03.2026, while counting of votes was underway; on 20.03.2026, the BCD sought verification of the Caste Certificate from the District Magistrate, Ghaziabad, and on 24.03.2026, called for the petitioner's records from the concerned Law College. The verification report was received from the Tehsildar on 25.03.2026, whereafter the Enrolment Committee issued a show-cause notice on 28.03.2026, requiring the petitioner to respond by 02.04.2026, and proceeded on the same day to suspend her and recommend removal of her name from the rolls. The matter was forwarded to the BCI on 04.04.2026 and, on the very same day, the BCI issued a show-cause notice to the petitioner. The proceedings before the BCI thereafter culminated in hearings on 13.04.2026, 20.04.2026 and 22.04.2026, followed by the impugned order dated 07.05.2026. It is argued that such haste was particularly unwarranted since the matter involved disputed questions of fact concerning the authorship and submission of the disputed Caste Certificate, the manner in which it came to form part of the petitioner's enrolment record and its alleged role in securing her enrolment. The petitioner had been practising since 2019, yet the BCD proceeded against her without first seeking any explanation from the complainants regarding the basis or source of their allegations. It is further submitted that the petitioner was not furnished all the material sought by her and was denied a reasonable opportunity to defend herself; in particular, her requests for copies of the complaints, her enrolment form and other relevant material, as



well as a short adjournment on 02.04.2026 on account of her being away in Punjab for her brother's marriage, were not properly considered before the Enrolment Committee proceeded to pass its decision. Similar haste, according to the learned senior counsel, characterised the proceedings before the BCI, where the matter, adjourned on 13.04.2026 to 04.05.2026, was subsequently preponed to 20.04.2026 without affording the petitioner an opportunity to respond to the request for preponement, and thereafter taken up again on 22.04.2026. It is submitted that, despite the matter involving a disputed question of fact as to whether the petitioner had herself submitted the disputed Caste Certificate, no independent inquiry was conducted into the circumstances in which the document came to form part of her enrolment record; instead, the BCI proceeded on the assumption that its presence in the record, coupled with the petitioner having ticked the OBC column in the enrolment form, necessarily established that it had been furnished by her.

21. It is further argued that the petitioner specifically denied having submitted the disputed Caste Certificate. Her case is that she merely ticked the OBC category in the relevant portion of the enrolment form and did not furnish any caste certificate along with the form. The learned senior counsel points out that the petitioner belongs to the Khati community, which falls within the OBC category in the relevant State, and that there was therefore nothing inherently unusual in her declaring herself to be an OBC candidate. According to the petitioner, the fact that she ticked the OBC column



cannot, by itself, establish that she submitted the disputed Caste Certificate which was subsequently found in the BCD's record. The learned senior counsel further draws attention to Column 8 under the heading 'D' in the enrolment form, wherein the documents enclosed with the application were required to be specified – wherein the petitioner did not mention any caste certificate in the said column. The BCD's own checklist for processing the enrolment application also did not record submission of any caste certificate. It is therefore contended that there was material to show that the petitioner had not furnished the disputed Caste Certificate. Thus, once the petitioner denied having submitted the said Certificate, it was incumbent upon the BCD and the BCI to conduct an appropriate inquiry into the disputed question instead of proceeding on an assumption against her, since neither body was a handwriting expert and that no handwriting examination or other evidentiary inquiry was undertaken.

22. The learned senior counsel further points out that the complaints in this case were premised upon the allegation that the petitioner had used the disputed Caste Certificate to obtain admission to the LL.B. course, and thereby secure relaxation in the minimum marks secured in graduation, required for admission to the LL.B. course. However, when the BCD sought clarification from the petitioner's Law College, the college categorically informed the BCD *vide* its communication dated 28.03.2026 that the petitioner had not submitted any caste certificate at the time of admission and that she



had been admitted under the General category. It is argued that the Law College further clarified that, during the relevant academic session, candidates having 44.5% marks in graduation could obtain admission under the General category, and the petitioner herein had, in fact, secured 44.5% marks in graduation. Thus, the very factual premise on which the complaints were founded stood disproved by the college's own records – that the petitioner had not obtained her LL.B. admission by claiming OBC status or by relying upon the disputed Caste Certificate. The learned senior counsel contends that despite receiving this categorical clarification from the college, the BCD and thereafter the BCI proceeded with the matter by shifting the focus to the alleged submission of the Caste Certificate along with the petitioner's enrolment application.

23. It is next submitted that, even assuming that the disputed Caste Certificate was found amongst the documents forming part of the petitioner's enrolment record, its presence by itself could not establish that the petitioner obtained her enrolment 'by' fraud, or by misrepresentation as to an 'essential fact' within the meaning of the proviso to Section 26(1) of the Advocates Act. It is argued that Section 26(1) contemplates a person having got his or her name entered on the roll of advocates "by misrepresentation as to an essential fact or by fraud or undue influence". The words "as to an essential fact" are crucial, and in case of 'fraud' also, the fraud must have a connection with the obtaining of enrolment, since the statutory requirement is that the person must have got his or her name entered



on the roll “by” such fraud. It is submitted that the respondents have failed to establish this essential nexus. In this regard, it is contended that the petitioner had secured 44.5% marks in graduation and was otherwise qualified to obtain a law degree and had obtained her LL.B. degree from a recognised institution. Though Rule 7 of the applicable BCI Rules prescribed 45% marks for candidates seeking enrolment under the General category, the respondents however completely overlooked the BCD resolution dated 15.03.2019. Reliance is placed upon the BCD’s letter dated 08.04.2019 containing the extract of the resolution dated 15.03.2019, whereby the BCD had resolved that candidates who had secured less than 45% marks in graduation for admission to the three-year LL.B. course and had obtained a law degree from a college/university affiliated to the BCI would be considered for enrolment. It is submitted that the petitioner’s enrolment form itself bears an endorsement/stamp recording that enrolment was permitted with less than 45% marks in graduation pursuant to the BCD resolution dated 15.03.2019. According to learned senior counsel, this endorsement is of considerable significance. It is thus argued that even if the petitioner’s case is tested on the assumption that she had declared herself to be a General-category candidate and had disclosed her actual graduation marks of 44.5%, she could still have been considered for enrolment under the BCD’s own resolution dated 15.03.2019. Therefore, the disputed Caste Certificate was not necessary for securing her entry on the rolls and conferred no relaxation or advantage which she otherwise did not possess. It is



submitted that there was, therefore, no rational explanation for the petitioner to prepare a forged/fabricated Caste Certificate for the purpose of obtaining enrolment when she could lawfully have been enrolled even otherwise. The learned senior counsel argues that there was no fee concession, reservation benefit, relaxation actually sought by her, or any other advantage which she obtained on account of the alleged certificate. The respondents have also failed to establish any actual benefit derived by her from the alleged certificate. If the petitioner's objective had been merely to overcome the 45% requirement, there would have been no reason for her to submit a document which was not necessary in view of the BCD resolution dated 15.03.2019. It is therefore argued that the disputed Caste Certificate, even if assumed to have been placed on record, did not procure the petitioner's enrolment. Therefore, the respondents failed to appreciate the distinction between the existence of a fabricated document in an enrolment file, and the statutory requirement that the petitioner must have obtained her entry on the rolls "by" fraud. The learned senior counsel for the petitioner further argues that the respondents have also failed to establish any deliberate concealment or false declaration of an "essential fact". The petitioner's age, citizenship, educational qualification, LL.B. degree and other statutory requirements under Section 24 of the Advocates Act were satisfied. The petitioner was, therefore, otherwise eligible to be enrolled. The Caste Certificate did not alter her educational qualification, her LL.B. degree or any other substantive statutory qualification for enrolment.



24. The learned senior counsel appearing for the petitioner submits that the right to practise as an Advocate is an important professional right and has a direct bearing upon the petitioner's livelihood. The petitioner had been practising since 2019 and had no occasion, prior to the present proceedings, to face any such allegation affecting her enrolment. The drastic consequence of removal from the rolls could not, therefore, have been imposed on the basis of an allegation which remained unproved on the essential factual questions. *Without prejudice to the aforesaid submissions*, it is argued that the consequence imposed upon the petitioner is wholly disproportionate to the nature of the alleged misconduct. Even assuming, without admitting, that the petitioner had furnished the disputed Caste Certificate, the circumstances demonstrate that the Certificate did not secure her admission to the LL.B. course, did not result in any concession in fees, did not enable her to obtain a law degree, and was not necessary for her enrolment in view of the BCD resolution dated 15.03.2019. There was consequently no advantage obtained by the petitioner through the alleged act. Therefore, the impugned order directing removal of her name from the rolls is an excessive consequence when considered against the peculiar facts and circumstances of the case. It is accordingly prayed that the impugned order dated 07.05.2026 and the consequential action taken against the petitioner be set aside.

On Behalf of the BCD – Respondent No. 1

25. The learned senior counsel appearing for the BCD submits that



the present petition is misconceived and seeks, in substance, an appellate re-appreciation of the findings recorded by the statutory authorities. It is submitted that the BCI, after considering the material on record and affording the petitioner an opportunity of hearing, has passed a detailed and reasoned order. The scope of interference by this Court in exercise of its writ jurisdiction is limited, and this Court is not sitting in appeal over the decision of the BCD or the BCI. Unless the decision is shown to be perverse, arbitrary or vitiated by an error of law or procedural impropriety, no interference is warranted. The learned senior counsel submits that the test of *Wednesbury* unreasonableness would apply to the impugned decision.

26. On the allegation of *mala fides* and undue haste, learned senior counsel submits that the petitioner has not identified any particular person against whom *mala fides* are alleged or demonstrated as to who was acting against her or for what personal purpose. Vague allegations that the complaints were motivated by the ongoing elections cannot constitute a ground for invalidating the proceedings. It is submitted that, at the relevant time, the administration of the BCD was being carried out by a Special Committee constituted by the BCI under Section 8A of the Advocates Act, 1961, pursuant to communication dated 10.10.2025. The said Committee was entrusted with the functions of the State Bar Council, including supervision of the electoral process, and none of its members was contesting the elections or had any personal interest in the result thereof. The



allegation of institutional bias or hostility is, therefore, stated to be without any factual basis.

27. It is further argued that the proceedings were taken up expeditiously not with any intention to prejudice the petitioner, but because the complaints were received during an ongoing electoral process and concerned the very validity of the petitioner's enrolment as an Advocate. Reference is made to the directions issued by the Supreme Court on 18.11.2025 in ***M. Varadhan v. Union of India***, W.P. (C) No. 1319/2023, concerning the timely completion of the BCD election process. It is submitted that if a candidate's eligibility to remain enrolled as an Advocate was found to be seriously questionable during the counting process, the BCD could not have kept the issue pending indefinitely, as that could have resulted in the electoral process being subsequently disturbed.

28. It is further contended that the action of the BCD was not founded merely upon the allegations contained in the complaints received by it; rather, immediately upon receipt thereof, the Caste Certificate forming part of the petitioner's enrolment record was forwarded to the competent revenue authority for verification, and the Tehsildar, Ghaziabad, *vide* communication dated 25.03.2026, had categorically informed the BCD that the certificate dated 11.10.2011 had not been issued by the competent authority, and that there was no Tehsil named "Vasundhara" in Ghaziabad District and that no Tehsildar by the name of Ahmad Mansoor was employed there, which clearly established that the certificate in question was a



fabricated document.

29. The learned senior counsel appearing for the BCD further submits that the material on record clearly establishes that the petitioner herself had furnished the said Caste Certificate along with her enrolment form. The petitioner submitted her application for enrolment on 17.12.2019, wherein she declared herself to belong to the OBC category. The application was accompanied by an undertaking and a notarised affidavit in which she had affirmed that the particulars furnished by her were correct, and that any misrepresentation or false information could render her enrolment invalid. The Caste Certificate in question was also part of the record accompanying the enrolment form and bears the petitioner's self-attestation along with the other documents submitted by her. Thus, the petitioner's attempt to contend that the Caste Certificate was not furnished by her is contrary to the contemporaneous record of enrolment maintained by the BCD. Reference in this regard is also made to the enrolment form, particularly the portion containing the category declaration, where the petitioner had herself ticked the OBC category and thereafter signed the relevant portion of the form. It is submitted that the petitioner does not dispute that the said portion of the form was filled up by her or that she selected the OBC category. The undertaking forming part of the same record was also signed by her. It is further submitted that the petitioner's reliance upon Column 8 under the heading "D. Graduation Details" is misplaced. The learned senior counsel submits that the said column required details



of the documents relating to graduation, and was not the column in which every document forming part of the enrolment file was required to be individually enumerated. Therefore, non-mentioning of the Caste Certificate from the said column cannot establish that the said Certificate was not submitted along with the enrolment form.

30. It is also argued that the BCD cannot be expected to produce a document, other than the document forming part of its own record, in order to prove how it came to be placed there. It is stated that the relevant enrolment records were scanned and entered into the electronic database maintained by the BCD in August, 2021 as part of the process of digitisation of enrolment records. It is submitted that the scanning was undertaken for all the enrolment records and not selectively in the petitioner's case. The electronic record, therefore, cannot be characterised as having been created a few years ago, for the purpose of the present proceedings. It is also pointed out that several original physical records maintained by the BCD were subsequently affected by flooding of the BCD office, however the scanned records had already been preserved. Accordingly, it is also argued that the petitioner's suggestion that the certificate could have been subsequently inserted or fabricated in the BCD record is wholly speculative, as the relevant record was scanned in the year 2021, i.e. several years before the petitioner contested the 2026 elections. There could consequently have been no reason for any person acting in 2019 or 2021 to manipulate the record with a view to affecting an election which the petitioner would contest years later.



31. It is next argued that the central issue before the BCD and the BCI was not whether the petitioner had used the Caste Certificate for obtaining admission to the LL.B. course; but the issue was whether, at the stage of seeking enrolment as an Advocate, the petitioner had furnished a Caste Certificate which was demonstrably fabricated and thereby obtained entry on the roll on the basis of fraud or false representation. Thus, the subsequent clarification given by the Law College that the petitioner had obtained admission to the LL.B. course under the General category does not answer this issue, and the circumstances in which the petitioner obtained her LL.B. degree and the circumstances in which she subsequently sought enrolment with the BCD are two distinct matters. It is thus submitted that the petitioner cannot avoid the consequences of furnishing a false document merely by contending that she did not obtain any immediate financial or other benefit from it, since the moment a person submits a fabricated document to a statutory authority as part of an application for enrolment, the integrity of the enrolment process is compromised.

32. On the scope of Section 26(1) of the Advocates Act, the learned senior counsel submits that the proviso expressly empowers the BCI to remove the name of a person where it finds that such person had got his or her name entered on the roll by misrepresentation as to an essential fact, fraud or undue influence. It is argued that the statutory provision is intended to protect the integrity of the rolls of advocates and to ensure that persons do not



secure entry into the legal profession on the basis of forged or fabricated documents. Reliance is placed upon the decision of the Hon'ble Supreme Court in ***Ajay Shankar Srivastava v. Bar Council of India***: (2023) 6 SCC 144, in support of the proposition that the statutory authorities are empowered to take appropriate action where enrolment has been secured on the basis of false or fabricated documents. It is further submitted that the petitioner's argument that there was no need to furnish the Certificate because of the BCD resolution dated 15.03.2019 is also misplaced, since the existence of an alternative route to enrolment cannot legitimise the submission of a false document by the petitioner.

33. The learned senior counsel also argues that the petitioner's reliance on the BCD resolution dated 15.03.2019 cannot override the requirement of compliance with the applicable BCI Rules. It is contended that Rule 7 of the BCI Rules of Legal Education prescribed a minimum of 45% marks for admission to the three-year LL.B. course for candidates belonging to the General category. It is stated that in the absence of any express provision, minimum qualifying marks cannot be rounded off or relaxed merely on grounds of equity or sympathy. Therefore, 44.5% cannot be treated as 45% by rounding off, and that the petitioner cannot claim eligibility under the General category merely because the difference is only 0.5%.

34. On the petitioner's challenge based on violation of principles of natural justice, the learned senior counsel argues that the record demonstrates compliance with the principle of *audi alteram partem*.



The BCD issued the show-cause notice dated 28.03.2026, furnished the Caste Certificate and the verification report received from the Tehsildar, and considered the petitioner's reply dated 02.04.2026. Thereafter, before the BCI, the petitioner filed detailed replies dated 10.04.2026 and 20.04.2026 and was heard, both personally and through counsel, on 13.04.2026, 20.04.2026 and 22.04.2026. It is stated that the petitioner's defence before the BCD and the BCI remained substantially the same and that she had full knowledge of the allegation which she was required to meet. The fact that the authorities ultimately rejected her explanation cannot be argued as a violation of principles of natural justice. It is further stated that no specific prejudice has been demonstrated as to what further material or defence the petitioner was prevented from placing before the authorities.

35. Lastly, with regard to the cancellation of the petitioner's candidature in the BCD elections, learned senior counsel submits that the same was merely consequential upon the removal of her name from the rolls of advocates. The right to contest an election to a State Bar Council is a statutory right and is subject to the qualifications prescribed by law. Once the BCI had passed the order dated 07.05.2026 directing removal of the petitioner's name from the rolls, the petitioner ceased to possess the foundational qualification of being an enrolled Advocate for contesting the BCD elections. The BCD thereafter issued the necessary notification and the Election Committee, in its meeting dated 12.05.2026, cancelled the



petitioner's candidature. It is stated that the Election Committee did not independently adjudicate upon the allegations against the petitioner but merely gave effect to the statutory consequence flowing from the BCI's order.

36. In view of the aforesaid submissions, learned senior counsel appearing for the BCD submits that the proceedings were undertaken by the competent authorities in accordance with law, that the petitioner was afforded adequate opportunity to defend herself, and that the findings recorded by the BCI are based on the material available on record pertaining to her enrolment and the verification obtained from the concerned authorities. It is accordingly prayed that, since no ground for interference in exercise of the writ jurisdiction of this Court is made out, the writ petition deserves to be dismissed.

On Behalf of the BCI – Respondent No. 2

37. The learned senior counsel appearing for the BCI argues that the proceedings against the petitioner were initiated and concluded strictly under the proviso to Section 26(1) of the Advocates Act. The said provision empowers the BCI to direct removal of the name of a person from the roll where the entry has been secured by misrepresentation as to an essential fact, or fraud or undue influence. It is submitted that the grounds of *fraud* and *undue influence* are independent of the requirement of “essential fact”, which qualifies only the ground of misrepresentation. The present case, according to the BCI, concerns the validity of the petitioner's entry into the legal profession itself and not any subsequent act of professional



misconduct.

38. It is submitted that the petitioner's own enrolment form is central to the controversy. The said enrolment form records her graduation marks as 44.5% in the office report, though she wrongly mentioned the same as 50% in the relevant column of the form. She also specifically ticked the OBC category instead of the General category. It is pointed out that the enrolment form expressly required a category certificate to be attached where an applicant claimed to belong to the OBC or SC/ST category. The disputed OBC Caste Certificate was thus found forming part of the petitioner's official enrolment record. It is submitted that the Tehsildar, Ghaziabad, had verified the Caste Certificate and categorically stated that the certificate had not been issued by the concerned authority. In these circumstances, the burden shifted upon the petitioner to explain the presence and genuineness of the document in her official enrolment record, but the petitioner has failed to furnish any satisfactory explanation.

39. The learned senior counsel appearing for BCI argues that the petitioner's reliance upon the BCD resolution dated 15.03.2019 is misplaced, inasmuch as the applicable BCI Rules prescribed the minimum qualifying marks for enrolment and the petitioner, having secured 44.5% marks in graduation, did not satisfy the requirement applicable to a General-category candidate, i.e. 45% marks. The petitioner consequently applied under the OBC category and furnished the disputed Caste Certificate. It is stated the aforesaid



resolution of BCD cannot override the eligibility requirements prescribed by the BCI Rules. It is further submitted that the petitioner's contention that it was not necessary for the petitioner to furnish a Caste Certificate is not relevant, since the issue in question is whether she actually furnished a fabricated document before the BCD as part of the process by which she sought entry on the rolls as an advocate. In other words, the issue before the BCI was whether the petitioner actually entered the rolls, as an advocate, on by filing a fabricated Caste Certificate, and not whether she derived any specific benefit by doing such act. It is argued that a person seeking entry into the legal profession is required to make full, truthful and correct disclosures, and the presence of a fabricated document in the official enrolment record directly affects the integrity of the enrolment process.

40. As regards principles of natural justice, the learned senior counsel contends that the petitioner was duly informed of the allegations, was given opportunity to file replies, was represented by a counsel and was heard before the BCI. The BCD and the complainants were also heard. The petitioner filed detailed replies and participated in the hearings held on 13.04.2026, 20.04.2026 and 22.04.2026. It is argued that Section 26(1) of Advocates Act requires – only an opportunity of hearing – and does not contemplate a full-fledged disciplinary trial or recording of oral evidence in such a case. Thus, it is contended that the petitioner had been provided adequate opportunity to present her case. It is further argued that in terms of



Section 26(1) of the Advocates Act, the only option before the BCI, after coming to a conclusion that the petitioner had obtained enrolment by fraud, was to remove her name from the rolls. It is stated that while Section 35 of the Advocates Act deals with disciplinary proceedings for professional or other misconduct committed by an Advocate after enrolment and provides for different types of punishments, the present proceedings were under Section 26(1) which pertain to the foundational defect in the very entry of the petitioner on the rolls. Once such an entry is found to have been procured by fraud, or undue influence, or misrepresentation as to an essential fact, the consequences under Section 26(1) cannot be diluted by importing the range of punishments available under Section 35.

41. The learned senior counsel appearing for the BCI further submits that the impugned order is a detailed and reasoned order which records the background, proceedings, submissions of the parties, points for determination, applicable legal position and findings. It is also contended that the principle of proportionality cannot be invoked in the present case, to permit continuation of the petitioner as an advocate on the rolls of BCD, where such enrolment has been found to have been obtained by fraud. It is stated that the BCI is under a statutory obligation to maintain the purity and integrity of the rolls, and enrolment as an Advocate carries with it professional privileges and corresponding duties. If a person enters the profession by placing a fabricated document before the



BCD/BCI, the argument of absence of having obtained any specific benefit cannot condone such acts. It is accordingly submitted that the impugned order dated 07.05.2026 was passed within the statutory framework of Section 26(1) of Advocates Act, after affording the petitioner an opportunity of hearing, and calls for no interference in exercise of writ jurisdiction by this Court.

42. This Court has **heard** arguments addressed by the learned senior counsels appearing for the petitioner as well as the respondents, and has perused the material available on record.

ANALYSIS & FINDINGS

I. Whether the petitioner had furnished the disputed Caste Certificate along with her enrolment application to the BCD?

43. The first issue which falls for consideration is whether the Caste Certificate dated 11.10.2011 was actually furnished by the petitioner along with her application for enrolment with the BCD, since the petitioner's first defence is that, although she had ticked the OBC category in the enrolment form, she had never submitted the said certificate and that the same may have been subsequently introduced into her enrolment record.

44. At the outset, it is necessary to note that the Caste Certificate dated 11.10.2011, forming the subject matter of the present proceedings, has been found to be fabricated upon verification by the competent revenue authority. The BCD, *vide* its communication dated 20.03.2026, had forwarded the said Certificate to the District

46. Having carefully perused and considered the case file, this Court is of the view that there is, in fact, material in the enrolment record which supports the finding of the BCD/BCI that the said Caste Certificate had been furnished by the petitioner at the time of obtaining enrolment. It is to be noted that on the second page of the enrolment form, under the heading “*B. Category (As applicable)*”,



the form specifically provides three options, i.e., General, OBC, and SC/ST. Immediately below the said heading, the form contains the specific direction in brackets – ‘Attach Category Certificate in case of OBC and SC/ST’. The relevant extract of the petitioner’s enrolment form is set out below:

B. Category (As applicable) : ☒	
(Attach Category Certificate in case of OBC and SC/ST)	
i) General	☐
ii) OBC	☒
iii) SC/ST	☐

47. The petitioner, *admittedly*, ticked the box against ‘OBC’ and signed the form. Thus, the enrolment form itself required a candidate, who selected the OBC category, to attach the relevant category certificate. It is not the petitioner’s case that the OBC box was ticked by somebody else or that the relevant portion of the form was not filled in by her. Thus, when there was a requirement to furnish the caste certificate if the box against OBC or SC/ST was being ticked by the candidate, there is no reason to believe that the petitioner’s enrolment form was accepted by the BCD officials, without her submitting any caste certificate, despite selecting the category ‘OBC’.

48. The petitioner has also sought to rely upon Column 8 under the heading ‘D. Graduation Details’, pointing out that the Caste Certificate has not been mentioned therein. This contention, however, does not help the petitioner’s case, since a careful perusal of the



enrolment form reveals that the said column forms part of the section dealing specifically with graduation details and requires the applicant to furnish details concerning the certificates and testimonials relating to the educational qualifications. As noted above, the requirement concerning a category certificate is separately and expressly dealt with under the heading '*B. Category (As applicable)*'. Therefore, merely because the Caste Certificate was not separately mentioned by the petitioner in Column 8 cannot lead to the conclusion that no such certificate was enclosed with the enrolment application by her.

49. Furthermore, it is also significant to take note of the Office Report of the Enrolment Committee, forming the first cover page of the enrolment form. Under column 3, i.e. '*3. The following observations have been made from the accompanying enrolment form*', the concerned BCD official had recorded following two observations: (i) Graduation done in 2013 = 44.5%, and (ii) O.B.C. Certificate U.P. enclosed. The relevant extract of the petitioner's enrolment form is set out below:

3. The following observations have been made from the accompanying enrolment form	
i).	Graduation done in 2013 = 44.5%
ii).	O.B.C. Certificate U.P. enclosed.
iii).	
Remarks of the Enrolment Committee	STAFF ENROLMENT COMMITTEE BAR COUNCIL OF DELHI

50. This is a record prepared in the course of processing the petitioner's enrolment application itself. It is not a document prepared after the initiation of the present proceedings. The specific noting on the form that an OBC Certificate issued in Uttar Pradesh



was enclosed, therefore, provides corroboration to the presence of the disputed Caste Certificate in the enrolment application.

51. This Court further takes note of the fact that the Caste Certificate itself also bears the petitioner's purported self-attestation. This Court is conscious that it is not an expert in handwriting or forensic examination, however, having perused the other documents forming part of the same enrolment record which were admittedly self-attested by the petitioner, it would be clear on a plain visual comparison, that the signatures appearing on those documents and the signature appearing on the disputed Caste Certificate are identical.

52. More importantly, the petitioner's explanation requires the Court to accept, rather assume to be true, a fairly elaborate chain of events, for which there is no supporting material. Her case, in substance, would require acceptance of the possibility that, despite her having selected the OBC category in the enrolment form, and despite the form expressly requiring an OBC candidate to attach a category certificate, she did not furnish any such certificate; that the enrolment form was nevertheless accepted and processed by the BCD officials; that some employee or any other person thereafter placed the fabricated Caste Certificate, bearing the petitioner's purported self-attestation, in her enrolment record; that the same record eventually got scanned and digitised in the year 2021; and all this was done in anticipating that a few years down the line, the petitioner would contest elections for BCD. In the considered view of this



Court, the record does not disclose any reason as to why any official of the BCD would, in 2019, fabricate and insert an OBC caste certificate into the petitioner's enrolment form, much less why such a document would thereafter be preserved in the BCD's records and digitised in 2021. The suggestion that this could have been done with the object of prejudicing the petitioner in an election which she would contest several years later is particularly difficult to accept. The petitioner has also not identified any person who could have had such an object in 2019 or 2021, nor has she placed any material indicating manipulation of the record during this period.

53. This Court is also mindful of the fact that, as already noted above, the petitioner's enrolment was processed in December, 2019 and the disputed document formed part of the record which was subsequently digitised in 2021. The complaints were received only on 19.03.2026, when the petitioner was contesting the BCD elections. The considerable gap between these events makes it even more difficult to accept, in the absence of supporting material, that the disputed Caste Certificate was introduced into the record at some later stage for the purpose of the present proceedings.

54. In the aforementioned facts and circumstances, the Court finds the argument – that the petitioner merely ticked the OBC category but did not furnish any supporting certificate, and that the disputed certificate was thereafter somehow introduced into her enrolment record – to be too far-fetched to be accepted, in view of the Office Report specifically recording that an O.B.C. Certificate from U.P.



was enclosed; the said Certificate forms part of the digitised enrolment record; it bears the petitioner's signature for the purpose of self-attestation; and the petitioner had herself selected the OBC category in a form which expressly required an OBC candidate to attach the relevant caste certificate.

55. This Court is, therefore, unable to accept the petitioner's contention that the Caste Certificate was never submitted by her and may have been subsequently introduced into her enrolment record. The finding recorded by the BCI to this extent does not warrant interference in exercise of the writ jurisdiction of this Court.

II. Whether the proceedings stand vitiated on account of violation of the principles of natural justice?

56. The petitioner has also challenged the proceedings conducted by the BCD and the BCI on the ground that she was not afforded a meaningful opportunity of hearing before the decision to suspend her and recommend removal of her name from the rolls was taken.

57. In this regard, it is relevant to note that the BCD had issued a show-cause notice to the petitioner on 28.03.2026, calling upon her to submit her reply by 02.04.2026 and to appear before the Enrolment Committee on the same date. The petitioner did submit her reply dated 02.04.2026, denying the allegations and contending, *inter alia*, that she had not furnished the Caste Certificate in question. She had also sought some time to appear before the Committee. The BCD, however, proceeded to consider the matter on 02.04.2026 itself, suspended her licence to practise and recommended removal of her



name from the rolls, without granting the short adjournment sought by her.

58. This Court is of the view that, at the stage of proceedings before the BCD, the petitioner could reasonably have been accommodated with a short further date. The fact that the Caste Certificate had already been verified as fabricated could justify an expeditious consideration of the matter, but, by itself, did not preclude the BCD from granting a short opportunity to the petitioner to appear and address the Enrolment Committee.

59. However, it is also apposite to consider that the matter did not end with the decision of the BCD. The complete record was thereafter forwarded to the BCI under the proviso to Section 26(1) of the Advocates Act. The said provision specifically contemplates that no order directing removal of the name of an advocate from the roll shall be made without giving the concerned advocate an opportunity of being heard. The relevant provision reads as under:

“...Provided that the Bar Council of India may, if satisfied, either on a reference made to it in this behalf or otherwise, that any person has got his name entered on the roll of advocates by misrepresentation as to an essential fact or by fraud or undue influence, remove the name of such person from the roll of advocates **after giving him an opportunity of being heard...**”

(emphasis added)

60. The requirement under the aforesaid provision is thus of an – *opportunity of being heard*. Such an opportunity must, undoubtedly, be a real and meaningful opportunity, and not a mere formality. At the same time, the statutory requirement cannot be equated with a



full-fledged trial, such as in a criminal case, or even the procedure for disciplinary proceedings under the Advocates Act. The nature and extent of the opportunity, required to be provided as per proviso to Section 26(1), would necessarily depend upon the nature of the proceedings and the issues which arise for determination.

61. In the present case, after the reference was made by the BCD, the BCI issued a separate show-cause notice to the petitioner on 04.04.2026. The petitioner thereafter submitted a detailed reply dated 10.04.2026 and an additional reply dated 20.04.2026. She was also represented through counsel and the matter was heard by the concerned Sub-Committee on 13.04.2026, 20.04.2026 and 22.04.2026. Thus, before the authority which ultimately passed the order directing removal of her name from the rolls, the petitioner had multiple opportunities to place her defence and address the material relied upon against her. *Significantly*, the defence which the petitioner seeks to advance before this Court was also placed before the BCI. In her replies and submissions, she specifically denied having furnished the disputed Caste Certificate, relied upon the fact that the Law College had stated that she was admitted under the General category. Thus, the petitioner was aware of the case which she was required to meet and had placed before the BCI the material and contentions which she considers relevant to her defence.

62. It is true that the proceedings before the BCI were conducted with considerable urgency and that the date initially fixed for further hearing was subsequently pre-poned. However, urgency by itself



cannot be equated with denial of natural justice. The question is whether, despite the urgency, the petitioner was ultimately afforded a reasonable opportunity to present her case before the authority competent to pass the final order under Section 26(1) of the Advocates Act.

63. In this regard, it is also material to note that the impugned order dated 07.05.2026 does not proceed on the basis that the petitioner obtained her LL.B. admission by submitting the disputed Caste Certificate, nor it is premised upon any determination regarding rounding off of her graduation marks. The principal issue considered by the BCI, while passing the impugned order, was whether the Caste Certificate in question was a fabricated certificate and whether it had been furnished by the petitioner along with her enrolment application. With respect to this issue, the petitioner had consistently put forth her defence, that she had not submitted the said certificate and that the same did not form part of the documents furnished by her. This principal defence of the petitioner, *qua* the said issue, was considered by the BCI and rejected on merits. In these circumstances, the Court is unable to hold that the proceedings culminating in the impugned order stood vitiated on account of violation of the principles of natural justice.

64. The challenge to the impugned order, on the grounds of violation of principles of natural justice is, accordingly, rejected.

III. Whether any actual benefit was derived by the petitioner by furnishing the Caste Certificate alongwith the Enrolment Form?



65. The next aspect which requires consideration is whether, notwithstanding the finding that the disputed Caste Certificate was furnished along with the petitioner's enrolment application, the petitioner had, in fact, obtained any benefit, concession or relaxation on the strength of the said Certificate.

66. On this aspect, this Court is of the opinion that the material on record does support the petitioner to the extent, that the Caste Certificate was not used by her for securing admission to the LL.B. course, nor did it confer upon her any identifiable advantage in obtaining her law degree, or, as would presently appear from the record, in securing her enrolment as an Advocate.

67. The first and foremost circumstance in this regard is the communication dated 28.03.2026 issued by the petitioner's Law College to the BCD. The College, in response to the query made by the BCD, categorically informed that, as per its records, the petitioner had not submitted any caste certificate at the time of her admission to the LL.B. course. It further stated that the petitioner had been admitted under the General category, for which candidates securing 44.5% marks in graduation were eligible during the relevant academic session. Thus, irrespective of the Caste Certificate forming part of the petitioner's enrolment record with the BCD, there is no material to establish that the petitioner herein used the said Certificate for obtaining admission to the LL.B. course. This is significant, since the original complaints against the petitioner had alleged, *inter alia*, that the petitioner herein had procured admission



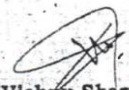
to the LL.B. course by relying upon the disputed OBC certificate and thereby obtained the benefit of relaxation in the minimum marks obtained in graduation, prescribed for admission to LL.B. As noted above, the material subsequently obtained by the BCD from the Law College did not support that allegation, and rather revealed that the petitioner was admitted under the General category and had secured 44.5% marks in graduation, which, according to the Law College, was the applicable threshold for such admission in General category at the relevant time. The alleged Caste Certificate, therefore, did not operate as the basis for the petitioner's admission to the LL.B. course.

68. Further, it is also important to examine that Section 24 of the Advocates Act, prescribes the qualifications for admission on a State roll, which includes that the person must be a citizen of India, should have completed the age of 21 years, and obtained a degree in law, subject to such other conditions as may be specified in the rules made by the State Bar Council. *Clearly*, production of a caste certificate is not a statutory qualification for any candidate seeking enrolment as an Advocate. Such a certificate would be relevant only where a candidate seeks to claim a particular benefit or relaxation available to the concerned category.

69. Moreover, *admittedly*, the petitioner did not avail any benefit or relaxation in respect of the enrolment fee, which as per proviso to Section 24(1)(f) is only available in case of a person belonging to Scheduled Caste or Scheduled Tribes, and not in case of OBC.



70. It is further pertinent to note that the petitioner has also relied upon the resolution of the BCD dated 15.03.2019, the extract whereof was communicated *vide* BCD letter dated 08.04.2019. The said resolution is set out below:

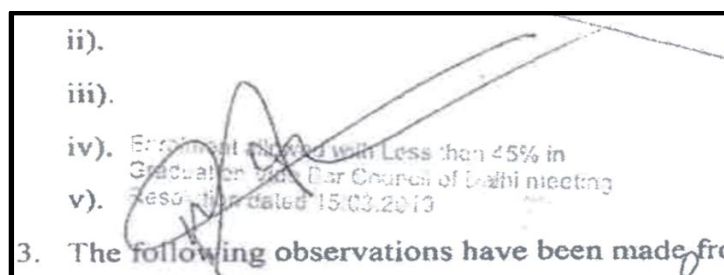
ANNEXURE P-23			Phone: 011-2648336 Fax: 011-41752340 E-mail: barcouncil@delhi.org Web: www.delhibarcouncil.com
दिल्ली विधिज्ञ परिषद् BAR COUNCIL OF DELHI (Statutory Body Constituted under the Advocates Act, 1961) H.O. 2/6, Siri Fort Institutional Area, Khel Gaon Marg, New Delhi-110 049			
No. 42/1/SE/2019		Date 08.04.2019	
Extracts of the Minutes of the Meeting of Bar Council of Delhi held on 15th March, 2019 at 4:30 P.M. (Friday) in the office of Bar Council at 2/6, Siri Fort Institutional Area, Khel Gaon Marg, Near Siri Fort Auditorium, New Delhi -110 049. “...Supplementary Agenda Item No. 2:- With the permission of the Chair, the matter with regard to enrolment of candidates, who have secured less than 45% marks in Graduation for taking admission in 3 years LLB course, has been taken up for consideration. The Council is of the view that it was upon the concerned University to give admission to the candidates after confirming the marks obtained in the 45% marks in Graduation for taking admission in 3 years LLB course. It is accordingly resolved that all the candidates, who have secured less than 45% marks in Graduation for taking admission in 3 years LLB course, and have obtained law degree from a College/University affiliated by BCI, shall be considered for enrolment. A copy of this resolution be also sent to the office of Bar Council of India.”			
 (Vishnu Sharma) Hony. Secretary Bar Council of Delhi			

71. Thus, the BCD resolution specifically considered the issue of enrolment of candidates who had secured less than 45% marks in graduation and had taken admission in the three-year LL.B. course. The BCD itself resolved that “*all the candidates, who have secured less than 45% marks in Graduation for taking admission in 3 years LLB course, and have obtained law degree from a College/University*



affiliated by BCI, shall be considered for enrolment.” The resolution was also directed to be sent to the BCI.

72. This Court further notes that the same resolution was *acted upon* by the BCD while processing the petitioner’s own enrolment form. On the first page of her enrolment form, in the Office Report prepared by the Enrolment Committee, the concerned BCD official recorded that the petitioner had secured 44.5% marks in graduation. On the same page, there is also an endorsement/stamp recording that enrolment was being permitted with less than 45% marks pursuant to the BCD resolution dated 15.03.2019. The said endorsement forms part of the very enrolment record on which the BCD itself granted enrolment to the petitioner in December, 2019. The extract of the said endorsement is set out below:



73. It was also informed by the learned counsel appearing for the BCD during the course of arguments, that a special stamp carrying the aforesaid endorsement had been prepared by the BCD in the year 2019 for being affixed on the enrolment forms of candidates to whom the said Resolution applied.

74. Even in the impugned order dated 07.05.2026, the BCI has observed as under:



“10.17.Exhibit 1 is the office report, which finds place atop each enrolment form. In the said office report, two important aspects are noted. **Firstly, the enrolment stamp records that enrolment with less than 45% marks in graduation is permissible with the Bar Council of Delhi as per the meeting resolution dated 15.03.2019.** Secondly, at Serial No. 3, it is recorded that the OBC certificate from UP is enclosed. The said office report has been signed by the concerned staff and has been properly numbered, along with the serial number 9 appearing at the top.”

(emphasis added)

75. Therefore, while the respondents have, before this Court, repeatedly argued and relied upon the requirement of 45% marks applicable to candidates in the General category, as per statutory rules of the BCI, the record, *on the other hand*, reveals that the BCD had itself, in March, 2019, adopted the resolution specifically concerning candidates who had secured less than 45% marks in graduation and had obtained their law degree from a BCI-affiliated institution, and had clearly acted upon the said resolution.

76. This Court also finds it difficult to appreciate the stand now taken by the BCI with regard to the aforesaid Resolution of the BCD. If the BCI is of the view that the said Resolution was contrary to the applicable statutory rules or otherwise beyond the authority of the BCD, it would be open to the BCI to take appropriate proceedings or adopt such remedy as may be available to it in law for questioning the validity of the said Resolution. However, so long as the Resolution remained in force and was acted upon by the BCD, the consequences of such Resolution cannot be ignored in the case of the petitioner alone. Such an argument would also raise a larger question



as to the status of other candidates who, pursuant to the same Resolution, were enrolled as Advocates despite having secured less than 45% marks in graduation. If the BCI's present stand is that the said Resolution was contrary to the statutory requirements, the consequences of such a stand for those similarly situated persons would also require consideration. The petitioner cannot, therefore, be made to bear the entire consequence of any dispute between the BCI and the BCD as to the validity or effect of the said Resolution, particularly when the Resolution was admittedly acted upon in her own case.

77. Therefore, this Court is of the opinion that the petitioner's case squarely falls within the ambit of the aforesaid resolution of BCD, since she had secured 44.5% marks in graduation and had subsequently obtained her LL.B. degree. In these circumstances, it is difficult to identify any actual relaxation or advantage which the petitioner obtained by furnishing the disputed Caste Certificate for the purpose of securing her enrolment. **In view of the BCD resolution**, noted above, even if the petitioner had not relied upon her OBC status and not furnished the caste certificate, she could still have been considered for enrolment, despite obtaining less than 45% marks in graduation, under the resolution adopted by the BCD itself.

78. Therefore, it is relevant for this Court to distinguish between – *furnishing of the disputed Caste Certificate*, and the *benefit sought to be obtained by furnishing it*. The former has already been dealt with in the preceding discussion. As regards the latter, this Court is of the



view that the record does not indicate that the Caste Certificate in question enabled the petitioner to obtain admission to the LL.B. course, secure her law degree, obtain any fee concession, claim any reservation benefit, or overcome the minimum marks requirement in order to secure her enrolment with the BCD, for the reasons recorded hereinabove. The respondents have also not pointed out any benefit which was actually extended, such as reduction in enrolment fee, etc., to the petitioner by treating her as an OBC candidate at the stage of enrolment. As held above, in view of BCD Resolution dated 15.03.2019, petitioner would have anyway got enrolled with the BCD despite scoring 44.5% marks in graduation, regardless of her caste. Thus, evidently, the furnishing of disputed Caste Certificate did not result in any tangible or identifiable advantage to the petitioner herein.

IV. Whether the ingredients of the proviso to Section 26(1) of the Advocates Act are satisfied, and whether the petitioner got her name entered on the State Roll by fraud or misrepresentation as to an essential fact?

79. Having considered the aforesaid issues, it would now be crucial to adjudicate the issue which, in the opinion of this Court, is central to the present controversy, i.e., whether the mere furnishing of the Caste Certificate by the petitioner along with her enrolment application, which was found to be fabricated, is sufficient to attract the power conferred upon the BCI under the proviso to Section 26(1) of the Advocates Act, in the facts of the case. For the said purpose, it would be necessary to examine, not only whether the document was



furnished or whether the document itself was fabricated, but whether, as a consequence thereof, the petitioner can be said to have got her name entered on the roll of advocates by fraud or by misrepresentation as to an essential fact, which is the statutory requirement for exercise of the power under the said proviso.

80. The proviso to Section 26(1) of the Advocates Act reads as under:

“...Provided that the Bar Council of India may, if satisfied, either on a reference made to it in this behalf or otherwise, that **any person has got his name entered on the roll of advocates by misrepresentation as to an essential fact or by fraud** or undue influence, remove the name of such person from the roll of advocates after giving him an opportunity of being heard...”

(emphasis added)

81. A plain reading of the aforesaid provision shows that the power conferred upon the BCI is not an unrestricted power to remove the name of an Advocate from the State Roll only because, at some stage in the process of enrolment, the applicant may have made an incorrect statement or furnished a document which was not genuine. The statutory conditions for exercise of the power under proviso to Section 26(1) of the Advocates Act are as follows:

- (i) the person must have got his or her name entered on the State Roll;
- (ii) such entry must have been obtained **by**:
 - misrepresentation as to an essential fact; *or*
 - fraud; *or*
 - undue influence.



82. The expressions '*got his name entered on the roll*' and the words '*by misrepresentation*', '*by fraud*' or '*by undue influence*' therefore define the circumstances in which the drastic power of removal from the State Roll can be exercised by the BCI. It is relevant to note that the provision does not suggest that BCI may remove the name of an Advocate from the roll of advocates if he has, at any time before or during enrolment, furnished a false document or made any incorrect declaration. Rather, the provision contemplates a situation where the entry of the person's name on the State Roll is *attributable* to such misrepresentation, fraud or undue influence. There must, therefore, be a reasonable connection between the wrongful act complained of, and the obtaining of enrolment as an advocate.

83. Such distinction, in the considered view of this Court, assumes importance having regard to the consequence which follows upon exercise of the power under the proviso to Section 26(1). The only consequence contemplated under the said provision, once its requirements are satisfied, is removal of the person's name from the State Roll of Advocates, which results in the person ceasing to be an Advocate and consequently deprives him or her of the right to practise the legal profession. This is materially different from the disciplinary jurisdiction exercised by the State Bar Council under Section 35 of the Advocates Act, where, upon a finding of professional misconduct, the disciplinary committee is vested with the power to impose different consequences, including reprimand,



suspension from practice for a specified period, or removal of the name from the State Roll. The consequence under proviso to Section 26(1) being one of such finality, the statutory conditions for invoking the said provision must necessarily be strictly and fully satisfied, and the power of removal cannot be exercised merely because of some irregularity or incorrect statement, unless the statutory nexus between such conduct and the obtaining of entry on the State Roll is established.

84. The impugned order dated 07.05.2026 records that the petitioner had obtained enrolment by fraud/misrepresentation as to an essential fact. However, during the course of arguments, it was stated on behalf of the BCI, that the impugned order was premised on obtaining enrolment ‘by fraud’, and not by ‘misrepresentation as to an essential fact’.

85. Be that as it may, this Court considers it appropriate to examine both the expressions. The words – **misrepresentation as to an essential fact** – contain within them a specific qualification, i.e., that the fact misrepresented must be *essential* to the person’s entitlement to be entered on the State Roll. Thus, every incorrect statement made by an applicant, or every incorrect declaration contained in an enrolment form, cannot by itself be treated as a misrepresentation as to an essential fact within the meaning of Section 26(1). Certainly, the fact must be such that its true or correct disclosure would have a bearing upon the applicant’s eligibility or entitlement to enrolment.



86. Likewise, where the allegation is of obtaining enrolment – **by fraud** – the enquiry must not end only upon finding that a forged or fabricated document was furnished during the enrolment process. The further question which necessarily arises from the language of the provision itself, is whether the alleged fraud was connected with, and had a bearing upon, the person obtaining entry on the State Roll; and in other words, whether the person would not have obtained such entry *but for the fraudulent act*. Thus, the mere presence of a fraudulent document in the enrolment record cannot by itself be equated with obtaining enrolment by fraud, unless the fraud is shown to have played a material role in securing such enrolment.

87. The purport of the proviso to Section 26(1) can also be further understood by considering the nature of the documents which ordinarily go to the root of an applicant's eligibility for enrolment. **For instance**, if an applicant were to produce a fabricated LL.B. degree, or a forged marksheet showing that the applicant possessed the requisite marks, the position would plainly be different, since in such a case, the very basis upon which the State Bar Council decides to enter the applicant's name on the roll would be false, and the fraudulent document would have a direct and immediate nexus with the enrolment obtained. Similarly, the same would be true where an applicant, who otherwise did not satisfy an applicable eligibility condition, falsely claimed a status which entitled him or her to a statutory relaxation, exemption or reservation, and on the strength of that false claim obtained entry on the State Roll. In such a situation,



the misrepresentation or the fraud would materially affect the applicant's eligibility and become the means by which enrolment was secured. Such a case would squarely fall within the mischief contemplated by the proviso to Section 26(1) of the Advocates Act.

88. In view of the above, it would now be apposite to test the facts of the present case on the touchstone of the aforesaid statutory requirements.

89. Concededly, the disputed Caste Certificate was found in the petitioner's enrolment record and, as held in the preceding discussion, this Court has no reason to accept the petitioner's contention that it may have been subsequently introduced into her record by someone else. The Caste Certificate was also found to be fabricated, as it had not been issued by the concerned authority.

90. However, these facts, by themselves, do not answer the statutory question as to whether the petitioner got her name entered on the State Roll *by fraud or by misrepresentation as to an essential fact*. For determining the same, the following aspects are noteworthy:

(i) Admission to the LL.B. course was in the General category: The petitioner herein had obtained admission to the LL.B. course in the *General category*. The concerned Law College has categorically stated that the petitioner had not furnished the disputed Caste Certificate for securing admission and that she was admitted on the basis of her academic qualification. Thus, the disputed Caste Certificate had no role in enabling the petitioner to secure admission to the LL.B.



course or in acquiring the law degree which subsequently formed the basis of her application for enrolment.

(ii) The LL.B. degree was not obtained by availing any caste-based benefit: There is no material to show that the petitioner, at any stage during the course of her legal education, relied upon the disputed Caste Certificate to obtain any reservation, relaxation in eligibility, fee concession or any other academic benefit. The petitioner consequently obtained her LL.B. degree without deriving any benefit from the disputed Caste Certificate, and the qualification which she presented before the BCD for the purposes of enrolment was not itself obtained on the strength of the said certificate.

(iii) The BCD Resolution dated 15.03.2019 provided for consideration of candidates having less than 45% marks in graduation: The petitioner herein had secured 44.5% marks in her graduation. The respondents before this Court have contended that, under the applicable BCI rules, a candidate seeking admission to the LL.B. course in the General category was required to have secured at least 45% marks in graduation and, therefore, the petitioner, having secured 44.5% marks, could not have been treated as eligible in the General category, but only under OBC, for which she furnished the disputed Caste Certificate. However, as already held above, the BCD *vide* Resolution dated 15.03.2019 had resolved that candidates who had secured less than 45% marks in graduation, but had



subsequently obtained a law degree from a college or university affiliated with the BCI, would be considered for enrolment as Advocates. Thus, the Resolution of BCD itself specifically contemplated consideration for enrolment of candidates who had secured less than 45% marks in graduation, subject to their having obtained the requisite law degree from a BCI-affiliated institution.

(iv) The BCD Resolution was actually acted upon, and applied in the petitioner's case: The aforesaid BCD Resolution was not merely relied upon by the petitioner before this Court as an afterthought; it was already in force when she applied for enrolment in December, 2019 and was, in fact, acted upon by the BCD while processing her enrolment application. The Office Report forming part of the petitioner's enrolment record specifically records her graduation marks as 44.5%, and the enrolment form bears the endorsement/stamp of the BCD stating that – enrolment with less than 45% marks in graduation was permissible pursuant to the BCD Resolution dated 15.03.2019. The said endorsement was made on the enrolment form itself in the course of processing the petitioner's enrolment in the year 2019. Significantly, the BCI has also taken note of this endorsement in the impugned order.

(v) No financial or other concession was obtained at the stage of enrolment: There is also no material to show that the petitioner obtained any financial or other concession at the



stage of enrolment by claiming OBC status. In particular, no reduction in enrolment fee, relaxation or any other identifiable benefit has been shown to have been extended to her on account of the disputed Caste Certificate. Concededly, the petitioner had paid the requisite/ full enrolment fee, and there is nothing on record to indicate that her OBC status resulted in any additional benefit being granted to her by the BCD.

91. Thus, if the disputed Caste Certificate is completely excluded from consideration and the petitioner's eligibility for enrolment is examined independently, it would clearly emerge that the petitioner possessed a valid LL.B. degree, had obtained 44.5% marks in graduation, and was covered by the BCD Resolution dated 15.03.2019, which was already in force and was, in fact, acted upon while processing her enrolment application.

92. This position can also be tested by asking a simple question: **if the disputed Caste Certificate had never been furnished, would the petitioner nevertheless would have been considered for and enrolled as an Advocate?** On the facts emerging from the record, the answer has to be in the *affirmative*. There is nothing on record to indicate that the petitioner required her OBC status, or the disputed Caste Certificate evidencing such status, to overcome any impediment which would otherwise have prevented her from being enrolled as an advocate. Her OBC status was, therefore, not the circumstance which enabled her to cross the threshold for enrolment, and even in the complete absence of the disputed Caste Certificate,



she could have been considered for and enrolled with the BCD. In terms of Section 24 of the Advocates Act, she possessed all the relevant qualifications for being admitted on the State roll of advocates. It is, *therefore*, not a case where the petitioner was otherwise ineligible for enrolment and secured entry on the State Roll by falsely claiming an OBC status.

93. **To reiterate**, had the petitioner not possessed the requisite law degree, or had the law degree itself been obtained by using the disputed Caste Certificate, or had the applicable rules prohibited her enrolment in the General category on account of her having secured 44.5% marks in graduation and there been no Resolution of State Bar Council such as that of BCD dated 15.03.2019 permitting consideration of candidates with less than 45% marks, the position would undoubtedly have been different. That, however, is not what happened in the present case.

V. The Decision

94. **This Court, therefore, holds that** the mere furnishing of the disputed Caste Certificate, in the peculiar facts and circumstances of the present case, cannot be treated as sufficient to attract the proviso to Section 26(1) of the Advocates Act. The BCI was required to be satisfied not merely that the petitioner had furnished any fabricated document, but that she had got her name entered on the roll of advocates by fraud or by misrepresentation as to an essential fact. On the facts of the present case, that necessary nexus between the alleged fraud and the petitioner's enrolment is absent. Since the petitioner



could have obtained enrolment even in the absence of the disputed Certificate, it cannot be said that she secured entry on the State Roll *by fraud or by misrepresentation as to an essential fact*, within the meaning of the said provision, specifically in view of the BCD Resolution dated 15.03.2019, as discussed above. The condition precedent for exercise of the power of removal under the proviso to Section 26(1) is, consequently, not satisfied.

95. The impugned order dated 07.05.2026 passed by the BCI, therefore, cannot be sustained. The finding that the petitioner furnished the disputed Caste Certificate is maintained; *however*, the conclusion that such furnishing of the Certificate attracted the proviso to Section 26(1) and warranted removal of her name from the State Roll is set aside.

96. It is accordingly directed that the name of the petitioner be restored forthwith on the rolls of the Advocates maintained by the BCD.

97. **Before parting with the case**, this Court considers it necessary to observe that setting aside the impugned order, for the above reasons, does not amount to approval or condonation of the petitioner's conduct, irrespective of the fact that the petitioner now holds a valid Caste Certificate reflecting her status as belonging to OBC. The Court has already observed that the disputed Caste Certificate was found in the petitioner's enrolment record, and the said Certificate was found to be fabricated. The absence of any actual advantage to the petitioner from the disputed Caste Certificate does



not, however, diminish the seriousness of furnishing a fabricated document, even if it was not necessary for establishing her eligibility for enrolment.

98. The petitioner is, therefore, **censured and reprimanded** for having furnished the disputed Caste Certificate along with her enrolment application, despite there being no necessity for her to rely upon such a document for establishing her eligibility for enrolment. The relief granted to her in the present petition is confined to the statutory consequence under Section 26(1) of the Advocates Act, and shall not be understood as any approval of her conduct.

99. The present petition is disposed of, alongwith pending applications, if any, in above terms.

100. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

OCTOBER 08, 2026/ns

T.S.