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

+ **W.P.(C) 7859/2025 & CM APPL. 34738/2025**

AKHILESH

.....Petitioner

Through: Mr. Sunil Kumar, Mr. Vipin, Ms. Dimple Singh, Mr. Vijay & Mr. Dheeraj, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Nishant Gautam- CGSC along with Mr. Vineet Negi, Ms. Kavya Shukla & Mr. Vibhav V. Nath, Advocates for R-1/Union of India.
Mr. Preetpal Singh, Advocate for R-2/Bar Council of India.
Mr. T. Singhdev, Senior Advocate along with Mr. Tanishq Srivastava & Mr. Abhijit Chakravarty, Advocates for Respondent No.3/Bar Council of Delhi.
Mr. Anshuman Sharma- SC & Mr. Kartikey Kumar, Advocate for Respondent No.5/UGC.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

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17.07.2026

1. This Writ Petition pertains to challenge to the explanation appended to Rule 5 occurring in Chapter II of Part IV of the Bar Council of India (“BCI”) Rules which reads as under:

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“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.”

2. The explanation appended to Rule 5 occurring in Chapter II of Part IV of the BCI Rules (“**Impugned Explanation**”) provides that the applicants who have obtained 10+2 or graduation / post-graduation qualification through the open university system directly without having any basic qualification for prosecuting such studies are not eligible for admission in law courses. Based on the Impugned Explanation, the Petitioner has not been registered by the Bar Council of Delhi (“**BCD**”).
3. It has been argued on behalf of the BCD that since the Petitioner does not have 10+2 certificate qualification, rather he has a qualification granted by Indira Gandhi National Open University (“**IGNOU**”) called Bachelor Preparatory Programme and hence, in view of the Impugned Explanation, he does not fulfil the requisite qualification for being registered with the BCD.
4. What we notice from the facts in this case is that the Petitioner has a validly granted graduation and LLB degree to his credit, however, he does not have any 10+2 certificate qualification which could be granted to him upon prosecuting the ten years’ studies from class 1 to class 10 or 11. The Petitioner has also cleared an All-India Bar Examination conducted by the BCI.
5. It is common knowledge that system of continuing education or open universities or institutions of distant learning have been initiated with an object to permit those who for some disadvantage or reason could not pursue



their studies timely. It is to give opportunity to such students or persons to join the mainstream of studies that the provisions for distant learning / open universities / continuing education have been introduced.

6. The university from where the Petitioner holds his graduation degree, i.e., IGNOU has been constituted under the provisions of an Act passed by the Parliament, namely, Indira Gandhi National Open University Act, 1985 and the said university in discharge of its statutory functions has been running certain courses of distant learning.

7. *Prima facie*, it appears that if on completion of a course in an open university system / distant learning system, a candidate obtains the qualification, however, he is held to be ineligible for pursuing any vocational career. Such prohibition, if any, does not stand to reason.

8. Though, short Counter Affidavit has been filed by the BCI, however, nothing has been said about the constitutional validity of the Impugned Explanation.

9. We, thus, direct that a detailed para wise Reply shall be filed by the BCI, *inter alia*, addressing the challenge to the Impugned Explanation. While filing the Counter Affidavit, it will be open to the BCI to take all the grounds. However, we also call upon the BCI to address the issue as aforesaid in this Order while filing the Counter Affidavit.

10. Counter Affidavit shall also be filed within a period of four weeks. Two weeks thereafter shall be available to the Petitioner to file the Rejoinder.

11. We also direct that the Counter Affidavit filed by the BCI under this Order shall be circulated amongst all the learned Counsel representing



different Parties who may file response, if any, to the said Counter Affidavit by the next date of listing.

12. List on 09.10.2026.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

JULY 17, 2026/ 'A'