

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

W.P. NO. 5200 OF 2020

Between:

Bilal Ahmed Syed S/o Ziauddin,
Aged 28 years, Occ: Advocate,
R/o HNo: F116, A-Block,
JP Apartments, Old RR Pet,
Vijayawada.

..Petitioner

AND

1. Bar Council of India,
Rep. by its Secretary,
21, Rouse Avenue Institutional Area,
Near Bal Bhawan, New Delhi - 110 002
2. Bar Council of Andhra Pradesh,
Rep. by its Secretary,
High Court Buildings, Nelapadu,
Guntur.

..Respondents

AFFIDAVIT

I, Bilal Ahmed Syed S/o Ziauddin, Aged 28 years, Occ: Advocate, R/o HNo: F116, A-Block, JP Apartments, Old RR Pet, Vijayawada, now having temporarily come down to Amaravati, do hereby solemnly and sincerely affirm and state as follows:

1. I submit that I am the Petitioner herein and as such I am well acquainted with the facts of the case.
2. I humbly submit that the present writ petition is filed aggrieved by the Notification No:AIBE/WS/154 dated 06.02.2020 and Notification No:AIBE/WS/155 dated 06.02.2020 of Respondent No: 1 in keeping the petitioner's result of All India Bar Exam – XIV as withheld without any valid grounds, reasoning and violation of principles of natural justice.
3. I humbly submit that I completed LLB in the year 2015 and my LLM from Andhra University, Visakhapatnam in the year 2018. Thereafter, I

enrolled on the rolls of Bar Council of Andhra Pradesh in the year 2019. I was given enrollment number as AP/210/2019. Thus, I became an Advocate on the rolls of the 2nd respondent.

4. I submit that the 1st respondent with the objective to examine an advocate's capability to practice the profession of law in India, introduced AIBE exam. AIBE will assess skills at a basic level, and is intended to set a minimum benchmark for admission to the practice of law; it addresses a candidate's analytical abilities and understanding basic knowledge of law. After passing the examination candidate will be awarded "Certificate of Practice" by the Bar Council of India. AIBE will be conducted in 40 cities all across India. Candidates will have 11 languages to choose for attempting the examination. Examination pattern will be multiple choice question and it will be open book exam. The notification bringing the All India Bar Examination into force was passed by the Legal Education Committee and the members of the Bar Council of India at duly constituted meetings on April 10, 2010 and April 30, 2010.

5. I submit that after passing of AIBE will entitle an advocate to practice law in India. Consequent to the resolution, the following rules were inserted into Part VI, Chapter III of the Bar Council of India Rules. Section 24 of the Advocates Act, 1961 was amended pursuant to the rules that unless an advocate successfully passes the All India Bar Examination conducted by the Bar Council of India. It is clarified that the Bar Examination shall be mandatory for all law students graduating from academic year 2009-2010 onwards and enrolled as advocates under Section 24 of the Advocates Act, 1961. The AIBE Exam is a open book exam, where the candidates who are taking the exam is permitted to go through the books and can give their answers.

6. I submit that I applied for AIBE Exam in the year 2019. I gave AIBE Exam-XIV and since Visakhapatnam is the only center available in Andhra Pradesh, I went all the way to Visakhapatnam in the month of September, 2019 to attend the exam. I gave my exam well and I was expecting 70% score in the exam. I was expecting the results to be declared by the 1st respondent.

7. I humbly submit that while this being the case, the respondent No: 1 issued a notification in its official website <http://allindiabarexamination.com/> as below:

"This is to notify that the candidates belonging to the following centers, who appeared for the AIBE-XIV held on 15th September 2019 will now have to take the next examination i.e. AIBE-XV without submitting the examination fee. However, the candidates belonging to these centers who didn't appear for AIBE-XIV shall pay the fee and appear in the next AIBE."

1. Vishakhapatnam-CC-15
2. Bhopal-CC-35
3. Jabalpur-CC-36
4. Allahabad-CC-53
5. Allahabad-CC-54
6. Allahabad-CC-55
7. Allahabad-CC-56
8. Allahabad-CC-57
9. Allahabad- CC-58

8. I submit that my entire grievance is only with respect to SNo: 1 Visakhapatnam Center Code-15. I gave exam in this particular place on 15.09.2019. In so far as SNo: 2 to 9 is concerned, I have no particular grievance.

9. I submit that the 1st respondent will be conducting this exam yearly twice throughout India. In so far as State of Andhra Pradesh is concerned, with the coordination of 2nd respondent. I submit that the Advocates who have enrolled even in the beginning of the year are waiting to give this exam yearly twice.

10. I submit that the 1st respondent issued mainly two notifications in the official website of <http://allindiabarexamination.com/>. The 1st notification is that all candidates who appeared for AIBE –XIV have to appear again for the next exam and the 2nd notification is that “This is to notify that all the candidates falling under the category of missing/mismatch set-code, also, show-caused to furnish an explanation for the same stand disqualified for AIBE-XIV held on 15th September 2019.”

11. I submit that the 1st respondent cannot withhold the results of the entire center for the reason that code is mismatch. It is not the mistake of the candidates who appeared the exam. In fact all the candidates who gave exam are Advocates and throughout the entire State of Andhra Pradesh who got enrolled on the rolls of the Bar Council of 2nd respondent, have given the exam by spending much money and time, travelling all the way to Visakhapatnam. Now that without even giving any reason and on account of code mismatch, candidates cannot be punished. Much more the exam itself is a open book exam. Thus there is no question of malpractice or some other reason.

12. I submit that the 2nd notification shows that candidates falling under the category of missing/mismatch set-code, also, show-caused to furnish an explanation for the same stand disqualified for AIBE-XIV held on 15th September 2019. In fact the rest of the candidates whose codes are not mismatched, have to be considered. I wrote everything correctly including my roll number, question paper set code and all other details. On account of withhold of the results, there is no scope for even verification of answer sheets, nor revaluation of answer sheets. Even the very marks were not revealed.

13. I submit that the respondents merely because they are conducting exam, does not have any right to withhold the results of the entire

candidates of the state/Center. This is completely without application of mind and without considering the future of the Advocates who enrolled and are awaiting for results. Also on account of the mistake of the 1st respondent, the Fresh Advocates will be losing a year time and their practice will be reckoned from the date of completion of the AIBE Exam by the 1st respondent. Thus the very notification of the 1st respondent Notification No:AIBE/WS/154 dated 06.02.2020 and Notification No:AIBE/WS/155 dated 06.02.2020 is illegal, irregular, irrational and violation of principles of natural justice. Thus, I am constrained to file this writ petition.

14. We have no other alternative remedy except to approach this Hon'ble Court invoking the jurisdiction in its extra ordinary jurisdiction under Article 226 of the Constitution of India. I have not filed any suit or Writ or any proceedings before any court or Tribunal nor any Writ or suit is pending before any court or Tribunal seeking the relief sought for in this Writ Petition.

It is therefore prayed that this Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the Notification No:AIBE/WS/154 dated 06.02.2020 and Notification No:AIBE/WS/155 dated 06.02.2020 of the 1st respondent thereby withholding the petitioner's result without any reasons and also on account of missing/mismatch set-code of AIBE - XIV exam as illegal, irregular, arbitrary, violative of principles of natural justice and Articles 14 and 21 of Constitution of India and consequently suspend the Notification No:AIBE/WS/154 dated 06.02.2020 and Notification No:AIBE/WS/155 dated 06.02.2020 of the 1st respondent and to declare the result of the petitioner and pass such other order or orders may deem fit and proper in the circumstances of the case.

It is also just and necessary that this Hon'ble Court may be pleased to suspend the Notification No:AIBE/WS/154 dated 06.02.2020 and Notification No:AIBE/WS/155 dated 06.02.2020 of the 1st respondent and to declare the result of the petitioner pending disposal of the above writ petition and pass such other order or orders may deem fit and proper in the circumstances of the case.

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Solemnly and sincerely affirm this
the day of 19th day of February, 2020
and signed his name in my presence.

Deponent

BEFORE ME

ADVOCATE :: Amaravati

VERIFICATION STATEMENT

I, Bilaal Ahmed Syed S/o Ziauddin, Aged 28 years, Occ: Advocate, R/o HNo: F116, A-Block, JP Apartments, Old RR Pet, Vijayawada, being the petitioner/ person acquainted with the facts do hereby verify and state that the contents of the above paras of the Affidavit are true and correct to the best of my knowledge. The above contents are typed under my instructions and same are read over and explained to me in vernacular language. Hence verified at Amaravati on this the day of 19th day of February, 2020.

Advocate

Deponent