



Shephali

**REPORTABLE**

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**ORDINARY ORIGINAL CIVIL JURISDICTION**  
**WRIT PETITION (L) NO. 13667 OF 2023**

**MADHAV RAJESH VED,**  
residing at Flat No. 2808,  
28th floor, D wing, Sarova Complex,  
Thakur Village, Kandivali East,  
Mumbai 400 101.

**... PETITIONER**

**~ VERSUS ~**

**THE REGISTRAR GENERAL,**  
High Court of Judicature at Bombay,  
Fort, Mumbai 400 032.

**... RESPONDENT**

**APPEARANCES**

**THE PETITIONER IN  
PERSON PRESENT**

**Mr Madhav R Ved.**

**FOR RESPONDENT NO.1**

**Dr Milind Sathe, Senior Advocate,**  
*i/b Rahul Nerlekar.*

**Mr Dhananjay Deshpande,**  
*Registrar (Legal & Research)*  
*present.*

**Mr SR Navander, Registrar**  
*(Personnel) present.*



**CORAM : G.S.Patel &  
Neela Gokhale, JJ.**

**DATED : 14th June 2023**

**ORAL JUDGMENT (Per GS Patel J):-**

1. Rule. Rule returnable forthwith.
2. We grant leave to the Petitioner to appear in person.
3. The Petitioner is a law student. He recently graduated with an LLB in 2021 from the Pravin Gandhi College of Law. He seeks a writ of certiorari to quash three notices at Exhibits “A”, “A-1” and “A-2” to the Petition. Alternatively, he seeks certiorari to quash clause (2) of Exhibit “A”. The third prayer is for a mandamus to add the Petitioner’s name to the list of eligible candidates for the selection process for law clerks in this High Court.
4. Exhibit “A” is an advertisement dated 2nd March 2023 inviting applications for the position of law clerks in the Bombay High Court (at its Principal Seat and at its Benches in Aurangabad and Nagpur). Exhibit “A-1” is a list of 687 persons whose applications were rejected. That communication is of 12th April 2023. The Petitioner’s name is at Sr No 639 of this list and the reason for rejection was that the Petitioner had not submitted a recommendation as per the advertisement. Twenty of the rejected persons filed representations. On 17th April 2023, the Petitioner filed an representation. On 9th May 2023, the Respondent, the Registrar-General, published a notice accepting some of the



representations. The Petitioner was not among the persons whose representations were accepted. The Petitioner filed this Writ Petition on 17th May 2023 (during the summer recess). He then sought a listing vide a praecipe dated 13th June 2023. By this time, the selection/interview process (before a committee of two judges) had begun.

5. The advertisement in question was admittedly issued pursuant to certain revised guidelines adopted by the High Court for the assignment of work as Law Clerks.

6. The specific challenge is to what is described as the three-part “*procedure for submitting applications*”. There is some mismatch in the numbering between the Guidelines and the advertisement. eligibility criteria are set out in Clause 1 of the advertisement (corresponding to Guideline 2), and there is no quarrel with those criteria. There is also no quarrel with the other provisions of the guidelines or the advertisement, namely, the selection process, the nature of work, the honorarium, the term of the assignment, the restriction on practice, requirements of conduct and the schedule programme for a selection process.

7. Guideline 3, which is item 2 of the advertisement, reads thus:



**2. Procedure for submitting Applications :-**

(A) The candidature of each applicant should be recommended by the Principals of any of the following institutions:

- i) National Law School, Bangalore
- ii) National Law School, Hyderabad
- iii) N. U. J. S. Law College, Calcutta
- iv) National Law School, Jodhpur
- v) Government Law Collage, Churchgate, Mumbai
- vi) ILS Law College, Pune
- vii) Symbiosis Law College, Pune
- viii) University College of Law, Nagpur
- ix) M.P. Law Collage, Aurangabad.
- x) Yashwant Law College, Nanded.
- xi) V.M. Salgaonkar, Law College, Miramar, Panaji.
- xii) Kare Law College, Margao, Goa or
- xiii) **Any other reputed Law College recognized by University Grants Commission *subject to approval by the Hon'ble the Chief Justice.***

b) The Applicants who have passed the L.L.B/L.L.M. examinations may **in the alternative** be recommended by :-

**For Principal Seat at Bombay :-**

- a) the President of the Bombay Bar Association ; or
- b) the President of the Advocates Association of Western India; or
- c) the President of the Incorporated Law Society
- d) **For Bench at Nagpur**



the President, High Court Bar Association, Nagpur.

e) **For Bench at Aurangabad**

the President, High Court Bar Association,  
Aurangabad

f) **For Bench at Panji-Goa**

the President, High Court Bar Association, Panji  
Goa The Pravin Gandhi College of Law is not in  
the list of named colleges, the principals of which  
can recommend the candidate.

8. Dr Sathe for the Respondent draws our attention to Clause (xiii), emphasised above. He says that this allows other colleges to be included, *provided* they are recognised by the University Grants Commission (“UGC”) and this is also subject to approval by the Hon’ble the Chief Justice.

9. There are significant difficulties with this Clause as it presently stands. We are unable to understand what is meant by ‘subject to the approval of the Hon’ble the Chief Justice’ if the requirement is UGC approval. For, it is inconceivable that if necessary UGC approval exists, there could ever be a refusal by the Hon’ble the Chief Justice.

10. But the more fundamental question is whether every *college* requires UGC recognition. Dr Sathe submits that pursuant to an email query by the Registrar (Personnel) on 24th April 2023 listing five colleges, of which the Pravin Gandhi College of Law was one, the UGC replied on 26th April 2023 saying that the Pravin Gandhi



College of Law was not included in the list of colleges under Section 2(f) of the University Grants Commission Act.

11. This really exemplifies the well-known saying, “Ask a wrong a question and you will get a wrong answer”. The reason is plain. Pravin Gandhi College of Law is not a university. It is not a deemed university. It is affiliated to Mumbai University, unquestionably recognized by the UGC. This is evident from the Petitioner’s mark sheet that is annexed at page 133 and by the passing certificate at page 132, both of which are issued by the University of Mumbai, not the Pravin Gandhi College of Law, as the Petitioner quickly points out. There is no doubt that although the University of Mumbai is, curiously enough, not amongst the 12 universities listed in the list, it is undoubtedly recognised by the UGC.

12. Therefore, there was no question of the Pravin Gandhi College of Law being ‘recognised’ by the UGC.

13. The contradictions do not stop there. Nobody disputes that students who have passed the LLB from the Pravin Gandhi College of Law can obtain a sanad and a licence to practice from the Bar Council of Maharashtra and Goa after passing the qualifying examinations. What we are therefore being told is that a student of the Pravin Gandhi College of Law can practice as an Advocate but cannot be considered for the post of a Law Clerk.

14. Then comes the third inconsistency. If the college institute in question is not among those listed and does not have the UGC



certification (allegedly), though required, then, apparently, all is not lost — because the student can ‘*alternatively*’ get a recommendation from one of the Presidents of the Advocates’ Associations. This borders on the farcical at two levels. *First*, it means that a student of law at a university or deemed university that does *not* have the necessary UGC approval can simply get by with a recommendation from a bar association president; implying that the recommendation is superior to a qualifying law course. *Second*, if a law graduate is entitled to practice law, it does not stand to reason that he or she should have to go to a President of a Bar Association or an Advocates’ Association to get a recommendation to be considered as a Law Clerk.

15. Dr Sathe’s submission that the Petitioner’s case should be considered ‘*prospectively*’ (i.e., not in the ongoing interviews and selections) does not commend itself to us. This is a case where a guideline has simply been misread, misunderstood, and misapplied by executive action. The consequences of that error cannot be visited on the Petitioner. There is simply no concept or requirement of UGC recognition of an affiliated college under Section 2(f). That requirement only applies to a university or a deemed university. Colleges come under UGC purview only in relation to a question of aid. There may indeed be colleges that are or claim to be independent or deemed universities that require UGC accreditation. There may indeed be colleges that are or claim to be independent or deemed universities that require UGC recognition. But this does not mean that every affiliated college requires UGC recognition. Nothing in the guideline or the UGC Act suggests this. Consequently, the Respondents’ insistence on “UGC Recognition”



for the Pravin Gandhi College of Law, demonstrably affiliated to Mumbai University, cannot be sustained. The rejection of the Petitioner's application is on this solitary ground, at least before us. No other ground of rejection is shown to us.

16. We are making no broader observation in regard to other colleges or other law clerk candidates. The Petitioner has quite correctly restricted himself to the facts of the case that are applicable to him in regard to the Pravin Gandhi College of Law and the unlawful rejection of his own application.

17. Prayer clauses (a), (b) and (c) of the Petition read thus:-

“(a) That this Hon'ble Court be pleased to issue a Writ of Certiorari or any other writ in the nature of Certiorari or any other appropriate writ, order or direction under Article 226 of the constitution of India calling for all the papers and proceedings in the matter, and after going through the same, quash and/or set aside the Impugned Notices [Exhibits 'A', 'A-1' and 'A-2' hereto], as being perverse, arbitrary, unreasonable and illegal;

(b) in the alternative to prayer clause (a) hereinabove, this Hon'ble Court be pleased to issue a Writ of Certiorari or any other writ in the nature of Certiorari or any other appropriate writ, order or direction under Article 226 of the Constitution of India calling for all the papers and proceedings in the matter, and after going through the same, quash and/or set aside the Clause (2) of the Impugned Notice [Exhibit 'A'] and the Impugned Notices at Exhibits 'A-1' and 'A-2' as being perverse, arbitrary, unreasonable and illegal;

(c) this Hon'ble Court be pleased to issue a Writ of



Mandamus or any other writ in the of Mandamus or any other appropriate writ order or direction under Article 226 of the Constitution of India directing the Respondent to add the Petitioner's name in the list of eligible candidates”

18. This is also not a PIL or a representative action. We are not concerned with the other applicants. Of the 687 rejected, 20 made representations. Only some were accepted. Of those whose representations were not accepted, only the Petitioner has come to court. We find, too, that there is no great or unexplained delay on the part of the Petitioner, as the foregoing dates show.

19. In view of the foregoing discussion, we hold as follows:

- (a) Recognition by the UGC is a valid criterion only for those colleges or institutes that are universities or deemed universities that require UGC recognition in the first place. To clarify, colleges that are affiliated to a recognised university do not require separate recognition by the UGC, for example, the Pravin Gandhi College of Law.
- (b) It is, therefore, not open to the Registry to demand that every college must have separate recognition by the UGC.
- (c) The Petitioner is to be included in the list of eligible candidates for being considered and included in the



selection process, subject to meeting all other eligibility criteria.

20. The Petition succeeds to this extent. Rule is made absolute in terms of prayer clause (c). The relief in terms of prayer clauses (a) or, alternatively, (b), is rejected. No costs.

**(Neela Gokhale, J)**

**(G. S. Patel, J)**