

ITEM NO.34

COURT NO.8

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition (Civil) No. 774/2025

DEEPAK YADAV

Petitioner(s)

VERSUS

BAR COUNCIL OF INDIA & ANR.

Respondent(s)

FOR ADMISSION

IA No. 194481/2025 - EXEMPTION FROM FILING O.T.

IA No. 194480/2025 - GRANT OF INTERIM RELIEF

Date : 25-08-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) :Mr. Pradeep Kumar Yadav, Adv.
Mr. Vishal Thakre, Adv.
Mr. Gopal Singh, Adv.
Ms. Anjale Kumari, Adv.
Mr. Aditya Yadav, Adv.
Mr. Sanjeev Malhotra, AOR

For Respondent(s) :

UPON hearing the counsel the Court made the following
O R D E R

1. By this writ petition under Article 32 of the Constitution, the petitioner a practicing advocate has prayed for the following reliefs:-

"Issue a declaration, writ, order or direction Under Article 32 of the Constitution of India Read with Order XXXVIII, Rule 7 of the Supreme Court Rules, 2013 in the nature of mandamus to the Bar Council of India and Bar Council of Uttar Pradesh to wave off the fees of Rs. 14500/- for General and Other Backwards Category and Rs. 13500/- for the

Schedule Castes and Schedule Tribes in the name Bar Council of Uttar Pradesh, Allahabad for issuing the Certificate of Practice and Identity Card and Rs 500/- Each Year or Rs. 6000/- one-time payment for the lifetime membership in the name of Bar Council of India Collection Fund Account, Allahabad."

2. The issue raised in this Writ Petition has been set at rest by this Court in its decision rendered in *"Gaurav Kumar Vs Union of India and Ors."* dated 30-07-2024. The final directions issued by this Court as contained in para 109 of the said decision, reads thus:-

"109. In view of the above discussion, we conclude that:

- a. The SBCs cannot charge "enrolment fees" beyond the express legal stipulation under Section 24(1)(f) as it currently stands;*
- b. Section 24(1)(f) specifically lays down the fiscal pre-conditions subject to which an advocate can be enrolled on State rolls. The SBCs and the BCI cannot demand payment of fees other than the stipulated enrolment fee and stamp duty, if any, as a pre-condition to enrolment;*
- c. The decision of the SBCs to charge fees and charges at the time of enrolment in excess of the legal stipulation under Section 24(1)(f) violates Article 14 and Article 19(1)(g) of the Constitution; and*
- d. This decision will have prospective effect. The SBCs are not required to refund the excess enrolment fees collected before the date of this judgment."*

3. He has brought to our notice a communication dated 20.7.2025 issued by the Bar Council of Uttar Pradesh, which reads thus:-

"Letter No.: 3040

Date : 20/07/25

*To,
Chairman/Minister,
All District and Tehsil Bar Associations,*

Uttar Pradesh.

Sir,

Keeping in view the order dated 30.07.2024 passed by the Hon'ble Supreme Court in Writ Petition No. 352/2023 Gaurav Kumar vs Union of India and Others, from among those applications submitted for Advocate Registration from 29.07.2024, about 01 year ago, those advocates who have been registered as advocates and are engaged in legal practice and who have passed the AIBE examination, in compliance with the resolution number 2687/25 passed by the Bar Council of Uttar Pradesh, which has been approved by the Bar Council of India and a letter dated 16.07.2025 has been sent, the desired bank draft along with advocate details for COP application will be started to be deposited from 23.07.2025 and after 30 days thereof, COP certificate and identity card will be issued.

You are directed to kindly get the letter and the attached proforma pasted on the notice board of the Bar Association for the information of the advocates.

Date 20.07.2025

**SD/-
(secretary)
Bar Council of Uttar Pradesh"**

Note:-

Sent to the Office of District Judge/District Magistrate with the request to kindly send the above-mentioned letter and proforma to every Bar Association of his district and tehsil."

- 4. Prima facie, the communication issued by the Bar Council of Uttar Pradesh, referred to above, is in direct conflict with the directions issued by this Court in the case of Gaurav Kumar (supra).**
- 5. Issue notice, returnable within four weeks.**
- 6. Dasti service, in addition, is permitted.**

**(CHANDRESH)
ASTT. REGISTRAR-cum-PS**

**(POOJA SHARMA)
COURT MASTER (NSH)**