



\$~119

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 17039/2024**
SANJEEV NASIARPetitioner

Through: Mr. Vikas Pahwa, Mr. Sacchin Puri
and Mr. P.S. Bindra, Senior
Advocates with Mr. Praveen Kumar,
Mr. Ravi Chawla, Mr. Atul Butcher,
Mr. Shadwan Siddiqui, Mr. K. Khan,
Mr. Paripoorn Singh, Ms. A. Bhola,
Mr. Fardeen Khan, Mr. Sonu Kumar
and Mr. Dhan Singh, Advocates.

versus

BAR COUNCIL OF INDIA & ANR.Respondents

Through: Mr. Kirtiman Singh, and Mr. Apoorv
Kurup, Senior Advocates with Mr.
Preet Pal Singh, Mrs. Tanupreet Kaur,
Ms. Akanksha Singh and Mr. Yash
Saini for R-1.
Mr. T. Singhdev, Mr. Abhijit
Chakravarty, Mr. Tanishq Srivastava,
Mr. Bhanu Gulati, Mr. A. Hussain,
Mr. Sourabh Kumar, Ms. Yamini
Singh and Mr. Ramanpreet Kaur,
Advocates for R-2.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **09.12.2024**

**CM APPL. 72187/2024 (seeking exemption from filing original/ certified/
typed/ unhighlighted/ non-underlined copies of the dim documents)**

1. Exemption is granted, subject to all just exceptions.
2. The Applicant shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.



3. Accordingly, the application stands disposed of.

CM. APPL. 72186/2024 (seeking stay) & W.P.(C) 17039/2024

4. The Petitioner seeks quashing of the resolution dated 7th December 2024,¹ as contained in the press release of 8th December 2024, passed by the Bar Council of India/Respondent No.1. The Impugned resolution directs the Secretary, Bar Council of India, to request the CBI to investigate the authenticity of the Petitioner's LLB (Hons) degree; and removes the Petitioner from the post of Vice-Chairman of the Bar Council of Delhi, pending the outcome of the investigation.

5. The Petitioner was awarded Bachelor of Law (Hons.) in 1988 from PMB Gujarati Arts & Law College, Indore under the Devi Ahilya University, Indore. After acquiring the qualification, the Petitioner registered himself as an Advocate with Bar Council of Delhi (Respondent no. 2) under Registration No. D/627/1988 and has been in the practice of law since then. The Petitioner had also been serving as the Vice Chairman of Bar Council of Delhi until the impugned action.

6. The Impugned action stems from an allegation questioning the genuineness of educational qualifications certificates. This issue was earlier adjudicated in writ petition, W.P.(C) 3244/2024, titled as '*Naresh Chand Gupta v Bar Council of Delhi.*' The said writ petition seeking a *quo warranto* challenging the Petitioner's claim to the post of Vice-Chairman of the Bar Council of Delhi was predicated on allegations that the documents submitted for the Petitioner's enrolment as an advocate were not genuine and had been forged. The petition also sought the initiation of criminal

¹ "Impugned resolution"



proceedings against the Petitioner in light of these allegations. The Court dismissed the writ petition after noting the BCD's affidavit affirming the Petitioner's credentials and the university's communication asserting the validity of his degree. The relevant portions of the Court's detailed order dated 12th August, 2024 are as follows:

“10. When the present petition came up for hearing on 11.03.2024, the following order was passed by this Court :-

“

ORDER

% 11.03.2024

1. At the outset, learned counsel for the respondent no.1/Bar Council of Delhi, who appears on advance notice submits that there is no merit whatsoever in the present petition. He further submits that the petition has been filed with oblique and malafide intentions. He submits that there is no merit whatsoever in the allegations made by the petitioner qua respondent no.3/Mr. Sanjeev Nasiar.

2. To allay the concern of the petitioner, he seeks leave to file an affidavit as regards the exercise conducted by the respondent no.1/Bar Council of Delhi qua the complaint against the respondent no.3/Mr. Sanjeev Nasiar, and the conclusion/s drawn thereupon.

3. He further seeks some time to take instructions qua the allegations against the respondent no.4. He submits that the action taken with regard to the complaint against the said respondent shall also be brought out in the affidavit, to be filed by the respondent no.1.

4. Let the affidavit, as aforesaid, be filed by the respondent no.1 within a period of one week from today, with advance copy to learned counsel for the petitioner and to learned counsel appearing for the Bar Council of India.

5. List on 22.03.2024 in the category of 'supplementary matters'.”

11. Thereafter, an affidavit dated 18.03.2024 in compliance with the order dated 11.03.2024 of this Court came to be filed by the respondent no.1 qua the allegations against the respondent no.3. On 04.04.2024, this Court further directed the respondent no.1/Bar Council of Delhi to file a further



affidavit setting out the steps taken for verifying the law degree of the respondent no.4 and the outcome of the aforesaid exercise. Pursuant thereto, another affidavit dated 12.04.2024 was filed on behalf of the Bar Council of Delhi. With regard to the same, vide order dated 16.04.2024, it was directed as under:-

- 1. Although, an affidavit has been filed on behalf of the Bar Council of Delhi pursuant to directions contained in the order dated 04.04.2024, the same is very sketchy and bereft of necessary details/annexures.*
- 2. Learned counsel for the Bar Council of Delhi is directed to file a better affidavit. Let the same be filed within a period of one week from today.*
- 3. List on 24.04.2024 in the category of "supplementary matters".*

12. Subsequently, another affidavit dated 23.04.2024 came to be filed by the Bar Council of Delhi.

13. In the affidavit dated 18.03.2024 filed by the Bar Council of Delhi, with regard to the provisional certificate/degree of the respondent no.3, it has been stated as under :-

"2. I say that the LL.B degree verification in respect of Sh.Sanjeev Nasiar Advocate having Enrolment no. D/ 627/1988 was initiated in the year 2017.

3. I say that the LL.B degree issued by Devi Ahilya Vishwavidyalaya, Indore, University House, Indore- 452001 was verified vide verification certificate dated 31/05.2017 whereby the University has confirmed the degree of Sh.Sanjeev Nasiar as "Genuine & Regular".

4. I say that the certificate dated 31/05/2017 issued by university verified status of other advocates as genuine besides Sh.Sanjeev Nasiar.

5. I say that the Hon'ble Chairman of Bar Council of Delhi took initiative to once again verify the status of degree (Provisional and Original) issued in favour of Sh. Sanjeev Nasiar. He deputed issued email cum communication dated 13/03/2024 and 18/03/2024 to the university.

6. I say that the hon'ble chairman authorised two representatives of BCD



Sh.Kumar Mukesh Hony. Secy BCD and Sh. Piyush Gupta Member BCD along with one staff Sh.Dharamveer to visit the University, they met the officials of University on 14/03/2024 and apprised the university officials that they are seeking verification of degree issued to Sh.Sanjeev Nasiar. The university officials informed that the degree is Genuine and however the representatives insisted that verification report pursuant to their representation dated 14/03/2023 be issued on mail as well as post on the official address of Bar Council of Delhi.

7. I say that the University once again vide communication dated 15/03/2024 and email communication dated 18/03/2024 has confirmed that the degree (Provisional and Final) of Sh.Sanjeev Nasiar is "Genuine and Regular".

14. Thus, the concerned university has taken a clear stand that the degree (provisional and final) of the respondent no.3 is "genuine and regular". The communication dated 15.03.2024, addressed by the concerned university i.e., Devi Ahilya Vishwavidyalaya, Indore to the Secretary, Bar Council of Delhi, reads as under :-

2/ In this connection I am to inform you that Certificate of following student has been verified and found to be correct as detailed below :-

S. N.	Name of Student	Name of Exam	Year	Enrolment No. & Roll No.
01	Sanjeev Nasiar	L.L.B. (Hons.) Final	April - 1988	Enr. No.DL/85/00094 Roll No.-3686

Yours Faithfully

Enclosed – As above

Sd/-
Asst. Registrar (Exam)"

15. Even on an earlier occasion, a communication dated 31.05.2017 was addressed by the aforesaid university to the BCD, which reads as under :-

"DEVI AHILYA VISHWAVIDYALAYA, INDORE

No.Exam/Gen/2017/613

UNIVERSITY HOUSE,
INDORE-452-001
Dated: 31 May 2017

To,
Bar Council of Delhi
2/6, Siri Fort Institutional Area,
Khel Gaon Marg, New Delhi-49.

Subject:- Verification of Education Certificate

Reference:- You're E-MAIL DATE 13. 16. 17/05/2017

Sir,

Kindly refer to above letter where verification of Certificate of the following Student has been sought for.

2/ In this connection I am to inform you that Certificate of following student has been verified and found to be correct as detailed below :-



"DEVI AHILYA VISHWAVIDYALAYA, INDORE"

UNIVERSITY HOUSE
INDORE-452-001

No.Exam/Gen/2024/221

Date:- 15 Mar 2024

To,
Secretary
Bar Council of Delhi
2/6, Siri Fort Institutional Area,
Khel Goan Marg,
New Delhi – 110 049

Subject :- Verification of Education Certificate Degree & Provisional Certificate.

Reference:- You're Ref. No.90/Gen/SF/2024/Date:-13.03.2024

Sir,

Kindly refer to above letter where verification of certificate of the following student has been sought for.

S.No.	Name of Student	Name of Exam	Status	Year	Roll No.
D-20-1985	01 Vedpal Lathwala	L.L.B. (Hons.)	Regular	April-1984	03224
D-76-1989	02 Madanlal Sharma	L.L.B. (Hons.)	Regular	May-Jun 1985	638
D-75-1989	03 Hansraj Verma	L.L.B. (Hons.)	Regular	Aug-1983	3116
D-87-8-1986	04 Satyadev	L.L.B. (Hons.)	Regular	Sept-1989	3731
D-817-1989	05 Dharamveer Goyal	L.L.B. (Hons.)	Regular	April-1989	3345
D-265-1991	06 Prakash Vir Dembla	L.L.B. (Hons.)	Regular	Apr-May 89	2417
D-774-1991	07 Suneeti Sharma	L.L.B. (Hons.)	Regular	May-1991	2608
D-225-1991	08 Ashok Kumar Bansal	L.L.B. (Hons.)	Regular	April-1987	52616
D-443-6-1988	09 Smt. Sunena Virmani	L.L.B. (Hons.)	Regular	April-1987	5166
D-942-1991	10 Sudhir Siwas	L.L.B. (Hons.)	Regular	May-June 1991	2840
D-941-1991	11 Nandlal Barjo	L.L.B. (Hons.)	Regular	Sep-1986	0728
D-436-01-1984	12 Rajendra Singh	L.L.B. (Hons.)	Regular	Mar-Apr 1984	3660
D-627-1988	13 Sanjeev Nasliyar	L.L.B. (Hons.)	Regular	April-1988	3686

Enclosed-As above

Yours Faithfully,
Sd/-
Asst. Registrar (Exam)"

16. In view of the communications issued by the concerned university, there is no basis for the assertion/presumption in the writ petition that the LL.B. Degree of the respondent no.3 is "forged and fabricated".

17. During the course of arguments, it was suggested by Mr. Chetan Sharma, who appeared on behalf of the respondent no.2/Bar Council of India (hereinafter referred to as "the BCI") that there is an apprehension that some universities may also be complicit in Issuance of "fake degrees"/certificates. It has also been pointed out that communications dated 06.02.2024 and 01.03.2024, were addressed by the BCI to the BCD seeking that the original records pertaining to the enrolment of the



respondent no.3 be sent to the BCI. However, the relevant record/certificates have not been forwarded by the BCD.

18. *It is also pointed out that the BCI has revisional authority under Section 48A of the Advocates Act, 1961 and has also been conferred with certain powers and responsibilities under the Bar Council of India Certificate and Place of Practice (Verification) Rules, 2015, and there is no justification in not supplying the relevant documents/ records to the BCI.*

19. *The respondents have not been able to point out any circumstance which inhibits the BCD/respondent no.1 from acceding to the request made by the BCI/respondent no.2. The BCD is, accordingly, directed to provide the requisite documents/ certificates/records to the BCI. Needless to say, it would be open for the BCI to conduct inquiry/take action, as it may deem appropriate, in any event of any wrongdoing being uncovered on the part of the concerned university.*

20. *At present, however, there is no basis to accede to the prayers made by the petitioner in the present petition qua the respondent no.3. The petition qua the respondent no.3 is, therefore, dismissed.”*

7. In light of the above, the writ proceedings in W.P.(C) 3244/2024, against the Petitioner stood dismissed. However, the Court acknowledged the Bar Council of India’s apprehension that some universities may also be complicit in issuance of “fake certificates”. Noting Bar Council of India’s revisional authority under Section 48A of the Advocates Act, 1961, the Court permitted them to conduct inquiry as deemed appropriate, in the event of any wrong doing on the part of the concerned university, if so warranted.

8. In pursuance of these directions, the Bar Council of India constituted a sub-Committee through a resolution dated 3rd September, 2024 to investigate the matter. The sub-committee carried out a physical inspection into the records of the university and came to a *prima facie* conclusion casting doubt on the authenticity of the Petitioner’s law degree. The findings of the sub-Committee’s report dated 25th October, 2024, regarding the



Petitioner's LLB Hons. Degree was considered and adopted by the Bar Council of India, in their resolution dated 7th December, 2024 and impugned directions were issued. On the next date, Bar Council of India issued a Press Release to the following effect:

भारतीय विधिज्ञ परिषद्
BAR COUNCIL OF INDIA

(Statutory Body Constituted under the Advocates Act, 1961)

21, Rouse Avenue Institutional Area, Near Bal Bhawan, New Delhi - 110002

Press Release Dated 08.12.2024

The Bar Council of India, in its meeting held on December 7, 2024, has resolved to take immediate and decisive action in the matter concerning allegations of irregularities in the LL.B. (Hons.) Degree issued to Mr. Sanjeev Nasiar, Vice-Chairman, Bar Council of Delhi by Devi Ahilyabai Vishwavidyalaya, Indore. This decision follows an inquiry conducted by a sub-committee constituted as per the resolution dated September 3, 2024, and in response to directions of the Hon'ble High Court of Delhi in Writ Petition (Civil) No.3244/2024.

The inquiry has revealed significant and glaring discrepancies in the records relating to Mr. Sanjeev Nasiar's Degree. The inspection of P.M.B. Gujarati Arts and Law College, Indore, disclosed that the college was not authorized to conduct an LL.B. (Hons.) Course during the relevant period. The academic records provided to the Sub-committee appeared tampered or fabricated with uniform handwriting and ink consistency spanning an extended period. Additionally, it was established that the LL.B. (Hons) program was introduced under The Bar Council of India regulations only in 2008, rendering the degree in question, purportedly issued in-1988, inconsistent with regulatory requirements.

The non cooperation and obstructive behaviour of university officials during the inquiry further cast serious doubts on the authenticity of the degree.

The Sub-Committee constituted by The Bar Council of India, has after a thorough enquiry, concluded that the authenticity of the LL.B (Hons.) Degree of Mr. Sanjeev Nasiar is highly questionable.

In accordance with its statutory authority under the Advocates Act, 1961, and the Bar Council of India Rules, the General Council of the Bar Council of India has resolved as follows.

"The report dated 25.10.2024 of the Sub-Committee regarding enquiry of the LL.B (Hons.) Degree of Mr. Sanjeev Nasiar is hereby adopted. The Secretary, Bar Council of India is directed to approach the Central Bureau of Investigation (CBI) with the request to hold an immediate investigation into the authenticity of the LL.B. (Hons.) Degree of Mr. Sanjeev Nasiar and potential fabrication of related records and take appropriate action.

Pending the outcome of the investigation, Mr. Sanjeev Nasiar is removed from the position of Vice Chairman, Bar Council of Delhi.

This measure is necessary to safeguard the integrity and dignity of the legal profession and ensure public confidence in it. The Bar Council of India is conscientious to uphold the prestige and honour of the legal profession and remains resolute in its resolve to uphold its sanctity to ensure that only those meeting the highest standards of ethics and qualifications are permitted to practice law in India"


(Srimanto Sen)
Secretary
Bar Council of India



9. Aggrieved with the impugned actions, Petitioner has approached this Court contending that the Bar Council of India's actions are procedurally and jurisdictionally untenable.

10. Mr. Vikas Pahwa, Senior Counsel for the Petitioner, argues that the Bar Council of India has acted without jurisdiction and in contravention of statute. He contends the impugned action ostensibly emanates from Section 48A of the Advocates Act, 1961. Mr. Pahwa asserts that the impugned decision of initiating criminal investigation as well as removal from the post of Vice-Chairman are both causing prejudice to the Petitioner and could not be issued without affording any opportunity of hearing, as provided in Section 48A(2) of the Advocates Act, 1961. The failure to grant the Petitioner such an opportunity vitiates the impugned resolution.

11. Additionally, in light of the order dated 12th August, 2024, Mr. Pahwa argues that the Bar Council of India should have first investigated the university's role and, only after reaching a conclusion on that issue, could have taken any action against the Petitioner, if warranted. Therefore, he asserts that any *ex-parte* action, even if allowed, should have been directed at the university and not the Petitioner. Furthermore, under no circumstances Bar Council of India could issue direction to the CBI to carry out the investigation into the authenticity of the Petitioner's degree. The direction to involve the CBI exceeds the Bar Council of India's authority, as the power to initiate investigations under the Delhi Special Police Establishment Act, 1946, rests exclusively with the Central Government or the concerned State Government.

12. Further, Mr. Pahwa contends that Bar Council of India does not have jurisdiction to remove the Petitioner from the position of Vice-Chairman,



Bar Council of Delhi. The post of Vice-Chairman of Bar Council of Delhi is an elected post and the removal is governed by Rule 36A of Rules of Bar Council of Delhi which specifically provides for the circumstance under which the Chairman or the Vice-Chairman or any member can be removed. This provision requires a resolution of no confidence to be passed against the incumbent, by two-thirds of the members taking part in the voting, subject to the condition that at least eight members must support the no confidence motion. To bolster his argument, Mr. Pahwa in fact emphasises that even for the removal of the elected post under the Bar Council of India, Rule 22 provides for a motion of no confidence to be passed by Bar Council of India and by a resolution of a majority not less than 3/4th of the members present in voting. Thus, Mr. Pahwa states that both under law and facts, the Impugned resolution is not sustainable.

13. In response, Mr. Kirtiman Singh and Apoorv Kurup Senior Counsel representing Bar Council of India – Respondent No. 1 strongly oppose the petition. They contend that the order dated 12th August, 2024 does not, in any manner, exonerate the Petitioner entirely. The Court, they argue, explicitly noted the Bar Council of India's position and left it open for the Council to conduct further inquiries or take appropriate action in the event of any misconduct or discrepancies being discovered. According to the Respondents, such irregularities has now been uncovered and established through the sub-Committee's report, which has highlighted significant inconsistencies in the Petitioner's academic records. These discrepancies, they assert, indicate that the Petitioner's academic credentials have been tampered with or fabricated. Mr. Kirtiman Singh further emphasizes that the LLB (Hons.) Degree Programme was introduced under the Bar Council of



India Regulations in 2008, making the Petitioner's purported degree, allegedly awarded in 1988, inconsistent with these regulations. This inconsistency, he asserts, warrants a thorough investigation. The Respondents also place reliance on the Bar Council of India's powers under Section 48B of the Advocates Act, 1961, to emphasize the Council's authority to address such matters

14. In such circumstances, Mr. Kirtiman Singh argues that the Bar Council of India has considered it appropriate to request the CBI to conduct an investigation and to examine the authenticity of the degree furnished by the Petitioner. During such investigation, Petitioner should not, therefore, continue to hold the position of the Vice-Chairman of the Bar Council of Delhi.

Analysis:

15. The Court has considered the aforementioned contentions. The submissions advanced by Mr. Pahwa, in the opinion of the Court, have considerable merits and demonstrates a *prima facie* case in favour of the Petitioner. In its order dated 12th August, 2024, noted above, this Court had already scrutinized the issue of Petitioner's professional qualifications, including the Bar Council of Delhi's position and the university's confirmation regarding the authenticity of the Petitioner's degree. The Court found no adverse material against the Petitioner and dismissed the petition at that stage. While the Bar Council of India (BCI) was permitted to exercise its revisional powers, any such exercise must be subject to compliance of Section 48A(2) of the Advocates Act, 1961, which mandates that no order prejudicially affecting a person shall be passed without affording them a reasonable opportunity to be heard. In the present instance, the impugned



directions for removal of the Petitioner from his elected position as Vice-Chairman of the Bar Council of Delhi, coupled with the initiation of a CBI investigation into the authenticity of his degree, undoubtedly prejudices his rights. The fact that no opportunity was afforded to the Petitioner to respond to the findings of the sub-committee prior to impugned actions renders the BCI's resolution *prima facie* violative of the statutory safeguards under Section 48A(2) of the Advocates Act, 1961.

16. Furthermore, it is pertinent to note that the permission granted by this Court in its order dated 12th August, 2024 were primarily directed toward examining the university's role, as apprehended by the BCI. The further probe was to focus on alleged complicity of the university itself. However, no material has been placed on record to suggest that the university's alleged involvement. There are some observations of the sub-committee relating to the records of the University; however, those do not justify initiating criminal action solely against the Petitioner. The impugned action is both premature and selectively applied.

17. The sub-committee's report and the subsequent BCI resolution emphasise that the LLB (Hons.) programme offered by the concerned university is allegedly not valid under the BCI Regulations. However, this information was not newly discovered but was already within the knowledge of the BCI when the order dated 12th August, 2024 was passed. It was not brought to the Court's notice. Furthermore, this issue extends beyond the Petitioner, as several other individuals who were awarded similar degrees and have been enrolled with the Bar Council of Delhi since the 1980s are also potentially affected. Despite this, the BCI's resolution targets only the Petitioner, without initiating similar inquiries or actions against others who



hold comparable degrees. Although Mr. Kirtiman Singh contends that the investigating agency may expand its scope to include other similarly placed individuals, the resolution itself is explicitly limited to the Petitioner.

18. Furthermore, the removal of the Petitioner from his elected position as Vice-Chairman of the Bar Council of Delhi *prima facie* contravenes the Rules of the Bar Council of Delhi, which prescribe a specific and mandatory procedure for such removal. Under Rule 36A of the Rules, a motion of no confidence must be passed by at least two-thirds of the members voting, provided that a minimum of eight members support the motion. The action taken by the Bar Council of India under its resolution, is *prima facie* inconsistent with the autonomy of the State Bar Councils, as envisaged under the Advocates Act, 1961.

19. Further, Section 48B of the Act indeed confers upon the Bar Council of India the power to issue directions for the ‘proper and efficient discharge’ of the functions of a State Bar Council. However, this supervisory power is not unfettered and cannot override the statutory provisions that govern the internal functioning of State Bar Councils. In this case, the Bar Council of Delhi’s rules provide a specific mechanism for removing its office bearers, which are premised on the principle of internal self-governance. The Bar Council of India’s intervention, without adhering to this mechanism, raises questions about the scope and limits of its supervisory authority under Section 48B of the Act.

20. In light of the above, till the next date of hearing, the impugned directions issued under the Bar Council of India’s resolution dated 7th December, 2024 shall remain stayed. The CBI shall not proceed with any investigation as requested by the Bar Council of India. Furthermore, the



direction for removal of the Petitioner from the position of Vice-Chairman, Bar Council of Delhi shall also remain stayed.

21. Issue notice. Counsel mentioned above, accept notice.
22. Counter affidavit(s) be filed within a period of four weeks from today. Rejoinder(s) thereto, if any, be filed within a period of two weeks thereafter.
23. Renotify on 21st January, 2025.

SANJEEV NARULA, J

DECEMBER 9, 2024

as