

Court No. - 39

Case :- WRIT - C No. - 42619 of 2023

Petitioner :- Pawan Kumar Dubey

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Suresh Chandra Dwivedi, Ashutosh Dwivedi

Counsel for Respondent :- CSC, Ashok Kumar Tiwari

Hon'ble Saumitra Dayal Singh, J.

Hon'ble Vinod Diwakar, J.

1. Heard Shri Suresh Chandra Dwivedi, learned counsel for the petitioner, Shri Arimardan Singh Rajput, learned Additional Chief Standing Counsel for the State-respondents and Shri Ashok Kumar Tiwari, learned counsel appearing for the Bar Council of Uttar Pradesh.

2. Petitioner has made complaint against the private-respondent with respect to concealment of vital information regarding pendency of fourteen criminal cases, of which he has been convicted in four cases. By concealing that information, the respondent has obtained a license to practice law, though according to learned counsel for the petitioner, the respondent stands quite distanced from law.

3. Whatever be the true facts, at present the complaint appears to be pending with the Bar Council of Uttar Pradesh since 25.9.2022. Much time has passed, appropriate action should have been taken thereon, by now.

4. Accordingly, the instant petition is disposed of with a direction upon respondent no.3 to undertake and complete the disciplinary proceedings brought by the petitioner as expeditiously as possible, preferably, within a period of three months, in accordance with law.

5. It is alarming to note that person carrying criminal history of fourteen cases, of which he has already been convicted in four cases, obtained license to practice law. Such license if allowed to arise and/or continue, may cause harm to the society in general and the legal fraternity in particular. The Advocates Act prohibits admission of such person to practice.

6. Respondent no.2 ought to have developed a procedure to ensure that all fresh applications received for grant of license are subjected to police verification procedure in a time bound manner. All applicants, who may be facing criminal charges and/or may have been convicted are bound to inform the Bar Council at the stage of making their applications as to pendency of such cases and/or existence of any order of conviction. If such material particulars are not disclosed by an applicant, his application may be rejected at the threshold. Seen in that light, it is surprising that the Bar Council has yet not evolved a procedure to enforce its own law.

7. Accordingly, we further direct respondent nos.1 & 2 to forthwith issue necessary directions and to ensure appropriate police report be called from the concerned Police Stations with regard to all pending and fresh applications for issuance of license as is being done/followed for issuance of Passports. Such due diligence procedure would ensure that a person who may carry a criminal history and who may conceal that information, be prevented from misleading the Bar Council in obtaining a license. A provisional license issued pending an adverse police report may be cancelled upon such report being submitted.

Order Date :- 21.12.2023

Anil K. Sharma

(Vinod Diwakar, J.) (S.D. Singh, J.)