CNR No. SKHC01-000215-2026

THE HIGH COURT OF SIKKIM : GANGTOK

(Civil Extra Ordinary Jurisdiction)

DIVISION BENCH : THE HON'BLE MR. JUSTICE A. MUHAMED MUSTAQUE, CHIEF JUSTICE
THE HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, JUDGE

WP(PIL) No. 12 of 2026

Shri Wangchuk Tseten Tonyot,
S/o of Jigme Tseten Tonyot,
Aged about 26 years,
R/o Upper Shyari, Gangtok,
East District – 737101. ... **Petitioner**

versus

1. The Bar Council of Assam, Nagaland, Mizoram, Arunachal Pradesh and Sikkim,
Through its Chairman/Secretary,
2nd Floor, Gauhati (alias Guwahati),
High Court Building (old), Panbazar,
Guwahati – 781001, Assam.

2. The Bar Council of India,
Through its Secretary,
21, Rouse Avenue Institutional Area,
New Delhi – 110002. ... **Respondents**

Application under Article 226 of the Constitution of India

Appearance:

Mr. Hridaii Raj Chettri and Mr. Palzor Sherpa, Advocates for the Petitioner.

None present for the Respondent No.1

Mr. Zamyang Norbu Bhutia, Advocate for the Respondent No.2.

Judgment reserved on : 04-11-2026
Judgment pronounced on : 26-11-2026
Judgment uploaded on : 26-11-2026

JUDGMENT

Bhaskar Raj Pradhan, J.

Wangchuk Tseten Tonyot a practising Advocate of this Court has filed the present Public Interest Litigation (PIL) against the Bar Council of Assam, Nagaland, Mizoram, Arunachal Pradesh and Sikkim as well as the Bar Council of India. He seeks the following reliefs: -

".....

(a) issue a writ of Mandamus, or any other appropriate writ, order or direction, directing Respondent No.1 to dispose of all pending and future complete applications for enrolment received from candidates connected with the State of Sikkim within a fixed and reasonable period, not exceeding sixty (60) days from the date of submission of a complete, compliant application, and to publicly display/communicate the real time status of pending applications;

(b) issue a writ of Mandamus, or any other appropriate writ, order or direction, directing Respondent No.2, in exercise of its power under Section 7(1)(g) of the Advocates Act, 1961 to exercise general supervision and control over State Bar Councils, to frame and issue appropriate binding guidelines prescribing a uniform, time-bound period for disposal of applications for enrolment by all State Bar Councils, with particular regard to Bar Councils such as Respondent No.1 that serve candidates from Special Category/ Article 371F States lacking a dedicated State Bar Council of their own;

(c) issue a writ of Declaration, or any other appropriate writ, order or direction, declaring that a candidate whose enrolment by Respondent No.1 was delayed beyond a reasonable and/or notified period is entitled to be protected from the prejudice occasioned solely by such delay, for every purpose under any law, rule, scheme or notification for which the period of practice or professional standing of an Advocate is reckoned by reference to the date of enrolment, including but not limited to empanelment as Government Pleader, Public Prosecutor, Assistant Public Prosecutor or panel counsel, empanelment on legal aid panels, eligibility for designation as Senior Advocate, and eligibility for entry-level judicial service; and, for that purpose, that the period of delay attributable to Respondent No.1 in excess of a reasonable and/or notified period be excluded/ condoned while computing such candidate's eligibility for any such purpose, or that such other equivalent protective mechanism be directed as this Hon'ble Court may consider appropriate;

(d) pass an order or direction that this Hon'ble Court, while undertaking the rule-amendment exercise directed by the Hon'ble Supreme Court in Bhumika Trust v. Union of India to be completed within three months of 21.08.2026, and while administering the Sikkim Superior Judicial Service Rules, 1980, maybe graciously pleased to give effect to prayer (c) above and to consider

incorporating an appropriate mechanism consistent with the Hon'ble Supreme Court's directions in Bhumika Trust v. Union of India, accounting for and remedying the prejudice caused by enrolment-processing delay of the kind herein described;

(e) pending disposal of the present Writ Petition, pass ad-interim/interim directions in terms of prayers (a) and (c) above;

(f) pass such other and further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice.

……..**"**

2. On 22-09-2026, we admitted the writ petition and issued notice upon the respondents. On 04-11-2026, Mr. Zamyang Norbu Bhutia, learned counsel appeared on behalf of the Bar Council of India. The Registry's Note dated 02-11-2026, records that the postal tracking report reflects that notice was delivered to the Bar Council of Assam, Nagaland, Mizoram, Arunachal Pradesh and Sikkim.

3. Mr. Zamyang Norbu Bhutia, learned counsel placed on record a copy of the Bar Council of India's communication dated 22-04-2026, bearing reference no.BCI:D:2274/2026, addressed to all the Secretaries of State Bar Councils regarding timely processing and disposal of application for enrolment of Advocates on the State Roll. The Bar Council of India has taken note of the grievance made by law graduates and other stakeholders, that in certain cases applications for enrolment as Advocates are remaining pending for unduly long periods, even where the applications are stated to have been finally submitted and the requisite defects, if any, have already been removed.

4. The Bar Council of India considered it necessary to address the said issue. It notified all State Bar Councils that under Section 6(1)(a) and (b) of the Advocates Act, 1961 (the Act), it is the statutory function of every State Bar Council to admit persons as Advocates on its roll and to prepare and maintain such roll. After

explaining various provisions of the Act, the Bar Council of India has issued the following directions: -

> **"**……..
>
> (a) *Every State Bar Council should endeavour to ensure that applications for enrolment as Advocates are scrutinised promptly upon receipt and that any defect, deficiency, or requirement of clarification is communicated to the applicant without undue delay.*
>
> (b) *Where an application has been finally submitted, all notified defects have been removed, all required documents have been furnished, and the applicant is otherwise found to satisfy the statutory and regulatory requirements, the enrolment process shall be taken up and disposed of expeditiously.*
>
> (c) *As a matter of uniform institutional practice, and subject to exceptional circumstances arising out of verification, dispute, fraud-detection, legal impediment, or any other recorded reason, the State Bar Councils shall endeavour to process and dispose of complete applications for enrolment, preferably within a period of two months from the date of final submission of the application free from defects.*
>
> (d) *If, in any case, an application cannot be disposed of within the aforesaid period, for reasons such as pending verification, legal objection, dispute regarding eligibility, suspected misrepresentation, or any other substantial cause, the reasons for such non-disposal shall be recorded in writing in the concerned file in order to ensure transparency, accountability, and proper institutional record.*
>
> (e) *The Enrolment Committees of the State Bar Councils shall be convened at appropriate and reasonable intervals so that complete applications do not accumulate unnecessarily and the statutory process contemplated under Section 26 of the Advocates Act, 1961 is not defeated by administrative delay.*
>
> (f) *Each State Bar Council shall put in place, to the extent feasible, a structured mechanism for tracking pending enrolment applications, including the date of initial filing, the date of communication of defects, the date of final compliance by the applicant, and the date of disposal.*
>
> (g) *The Secretary of each State Bar Council shall place this Circular before the Chairman, the Enrolment Committee, and all concerned officers/sections dealing with enrolment, for immediate compliance.*
>
> ……..**"**

5. Considering the communication dated 22-04-2026, issued by the Bar Council of India to all the State Bar Councils which would include the Bar Council of Assam, Nagaland, Mizoram, Arunachal Pradesh and Sikkim, we are satisfied that the main grievance of the petitioner has already been taken care of.

6. We direct the Bar Council of Assam, Nagaland, Mizoram, Arunachal Pradesh and Sikkim to strictly comply with the direction of the Bar Council of India's communication dated 22-04-2026, keeping in mind the unique situation, the State of Sikkim is presently facing of not having its own Bar Council. Consequently, law graduates desirous of enrolling themselves as Advocates have to approach the Bar Council of Assam, Nagaland, Mizoram, Arunachal Pradesh and Sikkim, whose office is based in Guwahati, Assam and delay in enrolling them would have serious consequences besides what they already face due to the distance between the State of Sikkim and Guwahati. We deem fit to direct the Bar Council of Assam, Nagaland, Mizoram, Arunachal Pradesh and Sikkim, to act as above within the time frame stipulated by the Bar Council of India.

7. We therefore, dispose of this PIL with the above directions, leaving it open to the petitioner or any other Advocate to approach this Court for any grievance which has not been addressed by the communication dated 22-04-2026, issued by the Bar Council of India.

(Bhaskar Raj Pradhan)
Judge

(A. Muhamed Mustaque)
Chief Justice

Approved for Reporting: Yes

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