

**Lekshmi Vs. Preetha**

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**Court :** Kerala

**Decided On :** Mar-22-2012

**Judge :** C.N. Ramachandran Nair & Babu Mathew P. Joseph

**Appeal No. :** R.P. No.207 of 2012 in W.A. No.947 of 2011

**Appellant :** Lekshmi

**Respondent :** Preetha

**Judgement :**

1. The first respondent approached this Court complaining that even after coming out successfully in the selection process for appointment to the post of Lecturer in Law Colleges, she was not included in the list for the reason that she has less than two months shortage in bar experience. The specific case canvassed by the appellant was that during this period she was continuing as Full Time Research Fellow in the University after LL.M. and the research study, if not superior, is at least equivalent to LL.M. Course which is equivalent as bar experience for the purpose of eligibility for selection as Lecturer. Even though learned Single Judge declined relief, in Appeal, we held Reported in 2012(2) KLT 563. that since LL.M. Course is treated as bar experience Full Time Research after LL.M. also should be reckoned while considering experience as bar practice Since the first respondent had combined bar experience and LL.M. study and Full Time Research period, which is less than two months to cover experience required which is three years altogether we held that she was eligible to be considered for selection. Going by

the rank list published, first respondent's position could be between Rank Nos. 8 and 9, and therefore we directed the PSC to include first respondent as Rank No.8A for considering her for appointment in the vacancies arising. Our judgment in the Writ Appeal is now challenged by the review petitioners who hold Rank Nos. 11 and 9 respectively in the very same rank list contending that judgment was rendered without hearing them and it adversely affects them. They approached the Supreme Court and Honourable Supreme Court disposed of the S.L.P. (Civil) C.C. 4043 of 2012 dated 23.2.2012 directing review petitioners to approach this Court with a suitable petition to re-consider the matter. Accordingly, Review Petition is filed by the petitioners under leave granted by us. We have today heard Shri S.P. Aravindakshan Pillay, counsel appearing for the review petitioners and counsel appearing for first respondent and also Standing Counsel for the P.S.C.

2. Counsel appearing for the review petitioners specifically referred to the Judgment of this Court reported in *Madhavan Nair v. State of Kerala* (1978 KLT SN 8 (C.No.23)) wherein this Court held that LL.M. Course study is treated as bar experience only because there is no bar against lawyers pursuing Post-Graduate studies in law while in practice. However, times have changed as of now and the Universities in Kerala have only full time course wherein full attendance is required for completing course study for writing examination. In other words, along with LL.M. Course study, students cannot pursue legal practice simultaneously. Besides raising this contention, first respondent's counsel specifically referred to the qualification prescribed wherein it is not stated that in order to qualify LL.M. as equivalent to bar experience there is no stipulation that the students simultaneously should continue legal practice. In other words, the position is that full time LL.M. Course study is recognized as equivalent to bar experience. So much so, the only remaining question is whether this Court is justified in permitting the shortage of less than two months experience to be made up with Full Time Research experience the first respondent had after LL.M. study. In this regard, we have explained in the judgment in Writ Appeal that the intention of the authority prescribing the experience is to ensure that candidate is continuously engaged in legal practice or in higher level of academic pursuit in law. We therefore took the view that Full Time Research experience in law if not superior has to be necessarily treated at least as equivalent to LL.M. Course study. Even though

counsel for the review petitioners submitted that first respondent was getting fellowship during research the counsel for the first respondent submitted that research is not employment disqualifying research period from being treated as experience.

After hearing the contentions raised by both sides, we do not find any justification to deviate from the view taken in the Writ Appeal judgment. Consequently, we dismiss the Review Petition.

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