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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 20115 of 2021

The West Bengal Legal Services
Employees Association & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Partha Sarathi Bhattacharyya,
Mr. Anil Kumar Chattopadhyay,
Mr. Soumik ganguli,
Mr. Raju Bhattacharyya,
Mr. Arunava Maiti

.... For the petitioners.

Mr. Jaharlal De,
Mr. Shamim-ul-Bari

... For the respondent nos. 1 and 2.

Mr. Probal Mukherjee,
Mr. Suhrid Sur

.. . For the respondent nos. 3 to 5.

Supplementary affidavit filed on behalf of the
petitioners in terms of the direction given by the order
dated 16th March, 2022 is taken on record.

The petitioner no.1 is the West Bengal Legal
Services Employees Association and the petitioner no.2
is its President.

The petitioners had filed a previous writ petition,
being WPA 3664 of 2021. The said writ petition was
disposed of by an order dated 11th February, 2021,
directing the Secretary, Judicial Department, West
Bengal, to consider and dispose of the petitioners'
representation within a period of three months from

the date of communication of the copy of the said order.

In terms of such direction, the Principal Secretary, Judicial Department, Government of West Bengal, has disposed of the representation made by the petitioners by an order dated 4th August, 2021. Subsequent to passing of the said order dated 4th August, 2021 a draft (Amendment) Rules termed as West Bengal Legal Services Authority (Amendment Rules) 2021 was formulated. Further amendments have been suggested to the said draft Rules. The draft Rules have not yet been finalized and promulgated. At this juncture, the petitioners do not have any grievances against the order dated 4th August, 2021. The petitioners also cannot have any grievance on the basis of the draft Rules as the same are yet to be finalized and promulgated. The petitioners can at the highest have grievances against the final Rules, which can only be ventilated after the Amendment is given effect on being finalized. The present writ petition as framed is predominantly on the basis of the proposed Amendments and is as such premature.

The writ petition is disposed of by granting the petitioners liberty to challenge the Rules after the proposed Amendments are made enforceable in accordance with law, if so advised.

I make it clear that I have not considered any of

the grounds made out in the writ petition nor have I expressed any final view in respect of any of the reliefs claimed. The petitioners therefor, if so advised, can take all points available to them including those in instant writ petition if they are aggrieved by the Amendment on being finalized and promulgated.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)