

08.08.2023
DL-80
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 8077 of 2023

Chanchal Sen
Vs.
West Bengal Legal Services Authority & Anr.

Mr. Gaurav Purkayastha,
Ms. Sushmita Choudhury
....for the petitioner.

Mr. Partha Sarathi Bhattacharya, Sr. Adv.,
Mr. Arindam Sen,
Ms. Rinku Sen,
Mr. Sagnik Bhattacharya
....for the respondent nos.1 & 2.

Mr. Jayanta Samanta,
Mr. Manas Kumar Sadhu
....for the State.

Pursuant to an advertisement dated January 6, 2023, the petitioner applied for selection to the post of Chief Legal Aid Defence Counsel in the district of Birbhum. The petitioner's grievance is that the selection process has been altered by the State Legal Services Authority (SLSA) since the SLSA sought to appoint/engage the counsel only through the process of interaction and not through the process of written test.

Pursuant to the notification dated January 6, 2023, the authorities held that there was no requirement of conducting the written test that was earlier directed to be held by a previous notification dated August 25, 2022 for engagement of Full Time

Legal Aid Lawyers in the Legal Aid Defence Counsel Office. Even though the petitioner was issued an admit card, the petitioner did not participate in the said selection process that was held vide advertisement no.1/DLSA/Birbhum dated January 6, 2023.

Considering the submissions of the parties and the materials placed on record, this Court is of the view that an incumbent/candidate cannot direct an employer to hold the recruitment process for engagement of Legal Aid Defence Counsel in a manner that the incumbent thinks fit. The Legal Aid Defence Counsel Scheme, 2022 prescribes the selection procedure along with the qualifications for engagement of Chief Legal Aid Defence Counsel and Deputy Chief Legal Aid Defence Counsel. There is no prescribed procedure for conducting a written examination in the said scheme.

Therefore, the petitioner cannot insist that the selection procedure has to be only through the method of written examination as stipulated in the notification dated August 25, 2022.

Accordingly, **WPA 8077 of 2023** is **dismissed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J.)