

W.P.A. No. 27189 of 2022

Chanchal Seth & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Salil Kumar Maity,
Ms. Pinki Saha,
Ms. Jayatri Basu Ray
... for the petitioners

Despite service, none appears on behalf of the respondents-authorities.

Affidavit-of-service, along with a receipt showing service of notice on the learned advocate for the State indicating that the matter would be mentioned before this Court, filed in Court today, be kept on record.

When the order is going to be passed upon hearing, an adjournment is sought on behalf of the State. However, since the Court has already expressed its opinion upon hearing learned counsel for the petitioners before the prayer for adjournment, such belated prayer for adjournment is refused.

The present petition has been preferred against the alleged action of the respondent nos. 7 and 8, respectively the Block Land & Land Reforms Officer, Chandipur Block, District-Purba Midnapore and the Block Development Officer, Chandipur Development Block, District Purba Midnapore, allegedly restraining the petitioners, who are registered law clerks under the

West Bengal Law Clerks' Act, 1997 from performing their duties to assist their respective Advocates as per Section 2 of the said Act. It is submitted that the petitioners are being restrained from entering into the office of the said Authorities, thereby preventing them from exercising their due right to practise their occupation, thereby violating Article 19 of the Constitution of India.

Learned counsel places specific reliance on the order dated August 08, 2022 passed in WPA No. 16682 of 2022 by a co-ordinate Bench of this Court in similar circumstances, where a notice was issued indicating that no law clerk (licensed/unlicensed) was "not allowed" inside the office.

Although the learned Single Judge held that a double negative translates to a positive, it was observed finally that if the concerned law clerks are duly enrolled under the West Bengal Law Clerks' Act, 1997, there should not be any difficulty for the Law Clerks in discharging their duties.

In the present case, since no affidavits could be invited due to the State remaining unrepresented at the juncture when the hearing of the writ petition was taking place, it is deemed that the allegations made in the writ petition are not admitted by the respondent-authorities.

However, in view of the petitioners claiming to be valid licence-holder law clerks within the contemplation of the 1997 Act, as indicated above, there cannot be any reason why they should be restrained from entering into the office of the Block Land & Land Reforms Officer.

Accordingly, W.P.A. No. 27189 of 2022 is disposed of by directing the respondent nos. 7 and 8, that is, respectively the Block Land & Land Reforms Officer, Chandipur Block, District-Purba Midnapore and the Block Development Officer, Chandipur Development Block, District Purba Midnapore, to permit the law clerks having valid licence under the West Bengal Law Clerks Act, 1997 and the corresponding Rules, including the petitioners, to enter and perform their duties in the office of the said authorities.

It is made clear that the authorities shall act on the server copy of this order without insisting upon prior production of a certified copy thereof for the purpose of compliance of this order.

There will be no order as to costs.

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

(Sabyasachi Bhattacharyya, J.)