

01.02.2024
SI No.5
Court No.8
(gc)

MAT 1862 of 2023
with
I.A No. CAN 1 of 2023

The State Legal Services Authority
Vs.
Tarak Chandra Das & Ors.

Mr. Partha Sarathi Bhattacharyya, Sr. Adv
Mr. Arindam Sen,
Md. Sahinurzaman

... For the Appellant.

Mr. Sumanta Chakraborty,
Ms. Kasturi Dutta

... For the Respondent No.1.

Mr. Jayantan Samanta, Jr. Govt Adv.
Mr. Joydip Basu

... For the State.

1. In order to ascertain the steps taken by the State Legal Services Authority with regard to the writ petitioners for the post of Chief Legal Aid Defence Counsel for the District of North 24-Parganas, we directed the SLSA to produce the original record. It appears from the original record that although the writ petitioner was a merit listed candidate but there was no recommendation by the selection committee for the said post. In any event, the Executive Chairman, presently the Hon'ble the Chief Justice of this Court has considered the merit list and concurred with the view expressed by the then

Member Secretary that it calls for a fresh advertisement inviting candidates as the candidates do not fulfil NLSA guidelines. In any event, we are of the view that having regard to the importance attached to the said post, the decision for filling up vacancy does not call for interference.

2. The learned Counsel for the writ petitioner has submitted that pursuant to the fresh advertisement he has participated in the selection process but the result is awaiting.
3. Accordingly, we request the SLSA to expedite the process.
4. In view of the fact that it is a very responsible position and that the Executive Chairman who is presently the Hon'ble the Chief Justice has taken on consideration of the material on record such view, we are inclined to set aside the order impugned and direct the SLSA to act in terms of the direction of the Executive Chairman.
5. The appeal succeeds.
6. Accordingly, the appeal and the application stand disposed of.
7. However, there shall be no order as to costs.

8. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)