

3rd January,
2024
(AK)
28

W.P.A 28098 of 2023

Parimal Sarder and others
Vs.
The State of West Bengal and others

Mr. Pankaj Halder
Mr. Samarjit Balial
Mr. Tapas Manna
Mr. Bidish Ghosh

...for the petitioners.

Mr. Rjajarshi Basu
Mr. Shehnaz Tareq Mina

...for the State.

1. The petitioners submit that the petitioners being registered law clerks, are being prevented from entering into the office of the Block Land and Land Reforms Officer, Mandir Bazar, District-South 24 Parganas, that is, respondent no.8.
2. Learned counsel places reliance on a judgment dated January 10, 2023 passed in WPA 27189 of 2022 in support of the proposition that such fetter cannot be imposed on the law clerks.
3. Learned counsel appearing for the State argues that although the petitioners have alleged that a notice has been put up restraining them from entering into the BL & LRO Office, no copy of such alleged notice has been annexed to the writ petition.

4. Thus, it is argued that the writ petition is bad for non-disclosure of cause of action.

5. It is further argued that there is no embargo as such for the petitioners to act in their capacity as law clerks within the contemplation of West Bengal Law Clerks Act, 1997 but no further.

6. It is also contended that in present times, most of the activities in the office of the BL & LRO have been digitized and as such there is no scope for the petitioners to perform their duties as law clerks.

7. Be that as it may, there is nothing to prevent the petitioners, in their capacity as registered law clerks, to assist people if need be in their capacity as such law clerks within the contemplation of the 1997 Act.

8. As such, in the event the petitioners approach the office of the BL & LRO, there is nothing in law to prevent them from acting in such limited capacity.

9. However, since nothing has been produced to accompany the writ petition to indicate that the petitioners have been so prevented, further directions need not be passed in the present application.

10. Accordingly, WPA 28098 of 2023 is disposed of with the observation that there is nothing on record to prevent the petitioners from acting in their capacity as law clerks in discharging their duties under the West Bengal Law Clerks Act, 1997 anywhere where their service is required, including the office of the respondent no.8, that

is, the office of the Block Land and Land Reforms Officer,
Mandir Bazar, District-South 24 Parganas.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for,
be given to the parties upon compliance of all requisite
formalities.

(Sabyasachi Bhattacharyya, J.)