HC-KAR

IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 25TH DAY OF JUNE, 2025

BEFORE

THE HON'BLE MR. JUSTICE M.I.ARUN

WRIT PETITION NO.201344 OF 2025 (S-DIS)

BETWEEN:

SHIVARAJ
S/O GANPATHRAO,
AGE: 57 YEARS, OCC: ADVOCATE,
R/O H NO.7-6-384, JANWADA ROAD,
NAWADGERI BIDAR,
TQ. AND DIST. BIDAR.

...PETITIONER

(BY SRI. JAIRAJ KASHAPPA BUKKA, ADVOCATE)

AND:

Digitally signed by VARSHA N RASALKAR
Location: HIGH COURT OF KARNATAKA

1. THE NATIONAL LEGAL SERVICES AUTHORITY,
   B-BLOCK, GROUND FLOOR,
   ADMINISTRATIVE BUILDINGS COMPLEX,
   JAISALMER HOUSE, 26, MAN SINGH ROAD,
   TILAK NAGAR, NEW DELHI-110011.

2. THE MEMBER SECRETARY,
   KARNATAKA STATE LEGAL
   SERVICE AUTHORITY,
   1ST FLOOR, NYAY DEGULA,
   H. SIDDAIAH ROAD,
   BANGALORE-560027.

3. THE DISTRICT LEGAL
   SERVICES AUTHORITY BIDAR

DISTRICT COURT COMPLEX BIDAR,
TQ. DIST. BIDAR-585401.

…RESPONDENTS

(BY SRI. SUDHEER KULKARNI, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ALLOW THE WRIT PETITION AND THEREBY A) ISSUE A WRIT IN NATURE OF CERTIORARI OR ANY OTHER ORDER OF QUASHING THE IMPUGNED ORDER PASSED BY THE 3RD RESPONDENT DATED 19.04.2025 EFFECT ON DATED 21.04.2025 VIDE SERIAL DLSA:B: 09/2025 VIDE ANNEXURE-J, B) ISSUE A WRIT IN NATURE OF MANDAMUS OR ANY OTHER ORDER/DIRECTION DIRECTING THE RESPONDENTS AUTHORITIES TO REINSTATE THE PETITIONER IN HIS PLACE AND CONTINUE HIS SERVICE BEFORE THE 3RD RESPONDENT OFFICE.

THIS PETITION, COMING ON FOR ORDERS THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.I.ARUN

ORAL ORDER

(PER: HON'BLE MR. JUSTICE M.I.ARUN)

Petitioner is a legal practitioner. His services were engaged by the District Legal Services Authority, Bidar as a Legal Aid Defence Counsel by a contract dated 15.05.2023 which was to be in force for a period of one year. Thereafter, his services are being extended from time to time. However, by letter dated 19.04.2025, his

services as Legal Aid Defense Counsel is terminated. In the letter, it is alleged that the services of the petitioner is not satisfactory. Aggrieved by the same, present writ petition is filed.

2. The contention of the petitioner is that, he has rendered his services to the best of his ability and in spite of it, respondent No.3 has illegally terminated his services.

3. Perusal of contract of service shows that petitioner was engaged on a contractual basis for a period of one year and the said period has already expired. Learned counsel for respondent No.3 has produced a copy of Legal Aid Defense Counsel Scheme 2022, which says that the term of the Legal Aid Defense Counsel can be terminated at any time without any prior notice, if it is found that the Legal Aid Defense Counsel is found wanting and his performance is not up to the standards as envisaged in the Scheme.

4. Clause 6 of the Legal Aid Defense Counsel Scheme 2022 reads as under:

> "***6. Termination of Services:***
>
> *Services of any human resource including legal aid defense counsel engaged in the office of Legal Aid Defense Counsel can be terminated at any time without any prior notice in the following cases by the Chairman, DLSA on recommendation of the Secretary DLSA or on the directions by SLSA in writing:*
>
> *i. He/she substantially breaches any duty or service required in the office, or*
> *ii. Seeks or accepts any pecuniary gains or gratification in cash or kind from the legal aid seekers or beneficiary or his friend or relative, or*
> *iii. Charged or Convicted for any offence by any court of law, or*
> *iv. Indulges in any type of political activities, or*
> *v. Found incapable of rendering professional services of the required standards, or*
> *vi. Failure to attend training programmes without any sufficient cause, or*

vii. Indulges in activities prejudicial to the working of legal aid defense counsel office, or

viii. Uses his/her position in legal aid defense counsel office to secure unwarranted privileges or advantages for him/herself or others, or

ix. Acts in breach of code of ethics, or

x. Remains absent without leave for more than two weeks, or

xi. If services are found unsatisfactory during the six-monthly performance review by the SLSA or DLSA."

5. In the instant case, the services of the petitioner has been terminated on the ground of negligence, indiscipline and not being up to the standards.

6. Admittedly, there is an allegation made against the petitioner, which has resulted in termination of his services. However, no enquiry has been conducted and it is the case of the petitioner that he has to live with the stigma. In the course of the argument, learned counsel for

the petitioner submits that if the stigmatic remarks are removed, the petitioner would be satisfied.

7. Whether to engage the services of an Advocate or not is left to the discretion of the person, who engages the said Advocate. This also includes the State. There is no existing binding contract between the petitioner and the respondents in the instant case, where petitioner would be entitled for continuation of services. Respondent No.3 does not aspire to continue the services of the petitioner and hence, it has terminated his services. However, an allegation is made against the petitioner and his services are terminated. Admittedly, no enquiry is conducted to prove the said allegation.

8. Under the circumstances, I am of the opinion that interest of justice would be met, if the allegations made against the petitioner while removing him from the services of respondent No.3 as a Legal Aid Defense Counsel is expunged.

9. Hence, the following:

ORDER

i) The termination of the services of the petitioner as a Legal Aid Defense Counsel by respondent No.3 is upheld. However, the allegations made against him in the order of termination shall stand expunged.

ii) It is needless to state that if petitioner were to apply for being once again considered for Legal Aid Defense Counsel, it would be considered in accordance with law.

iii) Writ petition stands ***disposed of*** accordingly.

Sd/-
(M.I.ARUN)
JUDGE

VNR/LG
List No.: 1 Sl No.: 34
CT:SI