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Today's Edition

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Delhi snub to CM in judge joust

OUR BUREAU



The law ministry has found nothing wrong with the credentials of four lawyers whose competency and conduct Buddhadeb Bhattacharjee had questioned after their names were recommended for appointment as judges of Calcutta High Court.

Uttam Kumar Majumdar, Debduitta Sen, Anit Kumar Rakshit and Arijit Banerjee are just a presidential warrant away from being sworn in as judges, sources in New Delhi confirmed on Tuesday.

The quartet had been named along with nine other advocates in a list of 13 compiled by a three-judge committee of the high court.

A two-judge collegium of the Supreme Court endorsed the list but the Bengal chief minister wrote to Delhi two months ago, saying he had reservations about four of the lawyers. Bhattacharjee said in his letter (see grab of **The Telegraph** report) that he doubted Majumdar's academic qualifications and the authenticity of Sen's law degree. His reservations about Rakshit were based on "conduct unbecoming of a judge". Banerjee, the chief minister wrote, had "nothing worthwhile to show as a lawyer".

A source said the law ministry asked the Intelligence Bureau to run a check on the prospective judges but the agency found no evidence to corroborate Bhattacharjee's allegations. "The collegium has since put its seal of approval on the original 13-member list and their appointment as judges is just a formality."

Law ministry officials said the Election Commission's code of conduct would not be a hindrance in the appointment of judges.

President Pratibha Patil has made several judicial appointments since elections were announced on March 2. She confirmed the appointment of the new chief justices of the Allahabad, Sikkim, Rajasthan, Patna and Kerala high courts on March 4.

Eight of the 13 names in the Calcutta list are high court advocates and the rest are from the state higher judicial service.

The high court has been functioning with 30 judges, against 58 sanctioned posts, for a long time. It will be 15 short of the required number even after the 13 new judges approved by the apex court collegium are sworn in.

“More than 3.5 lakh cases are awaiting disposal and it is impossible for only 30 judges to handle the backlog,” a senior advocate said.

At least 20,000 cases are filed in the high court every year. Lawyers say half these cases can be disposed of if at least 40 judges share the task.

“But the court is functioning with only 30 judges. Two of them also hear cases of the Andaman circuit bench. No wonder cases are piling up,” a member of the high court bar association said.

The three main bar associations, comprising around 9,000 lawyers, had petitioned the authorities several times to fill up all vacant posts.

Bhattacharjee’s letter to Delhi questioning the inclusion of Majumdar, Sen, Rakshit and Banerjee in the list of 13 was seen as an attempt to delay the process but also as an affront to the judiciary.

Lawyers had closed ranks to oppose the chief minister, saying his misgivings about four of their senior colleagues smacked of a political conspiracy. “If this is allowed to continue, the judicial system will collapse,” the secretary of one of the bar associations had warned.

Bhaskar Sen, the general secretary of the Bar Library Club, had accused the chief minister of “maligning the entire judiciary”.



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