



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**
S.B. Civil Writ Petition No. 16222/2026
CNR: RJHC020674632026 | URN: CW / 34287U / 2026



-----Petitioner

Versus

1. Through Member Secretary, Rajasthan State Legal Services Authority (RALSA), Jaipur, Office Of Member Secretary, Vidhik Sewa Sadan, Vidhik Sewa Marg, C-Scheme, Jaipur, Pin - 302005
2. Chairman, District Legal Services Authority, Jaipur Metropolitan-2nd, Office Of Chairman (DLAS, Jaipur Metro 2nd), 2nd Floor, New ADR Building, Shiv Marg, Bani Park Circle, Jaipur, Pin - 302016
3. Secretary, District Legal Services Authority, Jaipur Metropolitan-2Nd, Office of Secretary (DLSA, Jaipur Metro 2nd), 2nd Floor, New ADR Building, Shiv Marg, Bani Park Circle, Jaipur, Pin - 302016
4. Through Member Secretary, National Legal Services Authority (NALSA), Office of Member Secretary, National Legal Services Authority (NALSA), B - Block, Ground Floor, Administrative Buildings Complex, Supreme Court Of India, New Delhi, Pin - 110001
5. Through Registrar, Rajasthan High Court, Office Of High Court Registrar (Judicial), Ground Floor, Rajasthan High Court Jaipur Complex, Jaipur, Bhagwan Das Road, C - Scheme, Jaipur, Pin - 302001

-----Respondents

For Petitioner(s)	:	Mr.Satyendra Singh Raghav with Mr.Anirudh Singh Raghav
For Respondent(s)	:	Mr.Sandeep Pathak with Ms.Jaya Pathak & Ms.Prakshi Singh Rao Mr.Akshit Gupta with Ms.Pragya Seth

JUSTICE ANOOP KUMAR DHAND



05/10/2026

1. Though the matter has come up on interim application No.1/2026 submitted by the respondents seeking vacation of the ex-parte order passed by this Court dated 21.08.2026, but with the consent of counsel for the parties, the arguments were heard finally and the instant writ petition is being decided by this order.

2. The instant writ petition has been submitted assailing the validity of the impugned order dated 12.01.2026 passed by the respondent No.2, by which the services of the petitioner from the post of Legal Defence Counsel have been terminated.

3. Learned counsel for the petitioner submits that the petitioner was appointed as Assistant Legal and Defence Counsel at Jaipur Metropolitan-II with the approval of the Executive Chairman, Rajasthan State Legal Services Authority (for short, "the RSLSA") on 09.01.2023 for a period of two years. Subsequently, the said period was extended for further one year, i.e., till 09.01.2026. Counsel submits that without conducting any enquiry against the petitioner, his services were terminated with the remark that his services were found to be unsatisfactory. The aforesaid remark is stigmatic and is causing severe hardship to the petitioner. Counsel submits that before passing such remarks vide the order impugned, no enquiry was conducted and the District Legal Service Authority (for short, "the DLSA"), Jaipur Metropolitan-II was not competent to pass the impugned order of terminating the services of the petitioner from the aforesaid post.





4. In support of his contention, counsel for the petitioner has placed reliance upon the order passed by the Hon'ble Apex Court in the case of **Swati Priyadarshini Vs. State of Madhya Pradesh & Ors.** while deciding **Civil Appeal No.9758/2024** dated 22.08.2024 and the order passed by this Court in the case of **Anil Kumar Vs. State of Rajasthan & Ors.** while deciding **S.B. Civil Writ Petition No.5898/2020** on 15.04.2026.



5. Lastly, counsel for the petitioner argued that the sole reason for termination of the services of the petitioner was to engage some other Defence Counsel in place of the petitioner. Hence, under these circumstances, interference of this Court is warranted.

6. *Per contra*, learned counsel appearing on behalf of the respondents opposed the arguments and submitted that the services of the petitioner were engaged on the post of Assistant Legal and Defence Counsel at Jaipur Metropolitan-II for a period of two years commencing w.e.f. 09.01.2023 till 09.01.2025 and the aforesaid period of the petitioner's services was further extended for a period of one year, i.e., till 09.01.2026. Counsel submits that upon finding the services of the petitioner to be unsatisfactory, the order impugned has been passed. Counsel submits that since the order of appointment has been passed by the DLSA, therefore, the DLSA was the competent authority to pass the impugned order of termination of the petitioner. He further submits that the Legal Aid Defence Counsel Scheme(for short, "the LADCS"), under which the petitioner was engaged, has been discontinued as a policy decision of the respondent No.4-NALSA vide order dated 04.08.2026.



Counsel submits that the impugned termination order was passed on 09.01.2026, which was assailed by the petitioner after a considerable time, after passing of the order dated 04.08.2026 by the respondent No.4-NALSA. Counsel submits that as of date, the LADCS has been discontinued by the orders of the RSLSA, therefore, the Legal Aid Defence Counsels, with existing contracts would not be renewed on account of closure of the LADCS. He further submits that the validity of the order dated 04.08.2026 issued by the respondent No.4-NALSA has been assailed before the Hon'ble Apex Court by way of filing the **Writ Petition(s) (Civil) No(s).1037/2026** titled as **Association of Legal Aid Defence Counsels and Supporting Staff-some of DLSAs of Assam, Meghalaya and Nagaland Vs. Union of India & Anr.**, wherein notices have been issued by the Hon'ble Apex Court and no interim order has been passed staying the effect of the order dated 04.08.2026. He further submits that the LADCS was introduced by the NALSA. Clause 4 of the LADCS deals with the Selection Procedure, whereby the DLSA is the competent Authority to select and appoint the Defence Counsel with the approval of the Executive Chairman of RSLSA. He further submits that Clause 6 of the LADCS deals with the provisions of Termination of Services, and empowers the Chairman, DLSA to terminate the services of any Defence Counsel even without notice and for the said purpose, the approval of the Chairman, RSLSA is not required. He further submits that the validity of the LADCS and the provisions contained therein have not been questioned by the petitioner by assailing the validity of the same. Counsel submits that even the



extended period of one year of the petitioner's contract was expired prior to the date of termination of his services. Hence, interference of this Court is not warranted and the instant writ petition is liable to be rejected.



7. In rejoinder, counsel for the petitioner submits that in the case of **Swati Priyadarshini** (supra), the Hon'ble Apex Court has categorically held that if the termination of service is founded on the right flowing from contract or service rules therein, then *prima facie*, the termination is not a punishment and carries with it no evil consequences and so Article 311 is not attracted. The Hon'ble Apex Court further held that even if the Government has, by the contract or under the rules, the right to terminate the employment without going through the procedure prescribed by the punishment of dismissal or removal or deduction in rank, the Government may nevertheless, choose to punish the servant and if the termination of service is sought to be founded on misconduct, negligence, insufficiency or other disqualification, then it is punishment and the requirement of Article 311 must be required to be complied with. In the instant case, exact charges of misconduct, negligence and unsatisfactory services were levelled against the petitioner, while passing the termination order. Such stigmatic remarks will affect the future carrer of the petitioner, a young counsel. Counsel submits that the aforesaid stigmatic order is not tenable and the same is liable to be quashed and set aside.

8. Heard and considered the submissions made at the Bar and perused the material available on record.



9. Perusal of the record indicates that the NALSA has enacted the LADCS, i.e., Legal Aid Defence Counsel Scheme, 2022 for providing legal aid, assistance & representation in criminal matters in line with 'public defender system'. Clause 4 of the aforesaid LADCS deals with the Selection Procedure. For ready reference, the same is reproduced as under:-



"4. Selection Procedure:

After due publicity including public notice, applications will be invited and a fair, transparent and competitive selection process shall be adopted by DLSA under guidance of SLISA. Legal Aid Defence Counsels shall be engaged on contract basis in each place/district initially for a period of two years with a stipulation of extension on yearly basis subject to satisfactory performance. The performance of every human resource shall be assessed every six months by SLISA in consultation with DLSA concerned. The selection of Chief Legal Aid Defense Counsel, Deputy Chief Legal Aid Defense Counsels, Assistant Legal Aid Defense Counsels will be purely based on merit, taking into account the knowledge, skills, practice and experience of candidates. The selection shall be carried out by Selection committee under the Chairmanship of the Principal District & Sessions Judge (Chairman, DLSA) as envisaged in NALSA (Free and Competent Legal Services) Regulations 2010, subject to final approval by the Executive Chairman, SLISA. In the selection committee at least three senior most judicial officers posted at HQ, dealing mainly with criminal cases preferably sessions cases shall be included. No person with conflict of interest shall be part of selection process. After approval by the Executive Chairman,



SLSA, engagement contract shall be executed between the Secretary DLSA and the person so engaged.

The format of contract for engagement, as provided by NALSA to be used with required modifications.

The suggested eligibility criteria are as follows: -

a) Qualifications for Chief Legal Aid Defense Counsel:

- Practice in Criminal law for at least 10 years,
- Excellent oral and written communication skills,
- Excellent understanding of criminal law,
- Thorough understanding of ethical duties of a defense counsel,
- Ability to work effectively and efficiently with others with capability to lead,
- Must have handled at least 30 criminal trials in Sessions Courts, aforesaid condition of handling 30 criminal cases can be relaxed in appropriate circumstances,
- Knowledge of computer system is preferable.
- Quality to lead the team with capacity to manage the office,

b) Qualifications for Deputy Chief Legal Aid Defense Counsel:

- Practice in Criminal law for at least 7 years,
- Excellent understanding of criminal law,
- Excellent oral and written communication skills,
- Skill in legal research, Thorough understanding of ethical duties of defense counsel, Ability to work effectively and efficiently with others, Must have handled at least 20 criminal trials in Sessions Courts, may be relaxed in exceptional circumstances, by Hon'ble executive Chairman, SLSA,
- IT Knowledge with proficiency in work.

c) Qualification for Assistant Legal Aid Defense Counsel:





- Practice in criminal law from 0 to 3 years.
- Good oral and written communication skills.
- Thorough understanding of ethical duties of defense counsel.
- Ability to work effectively and efficiently with others.
- Excellent writing and research skills.
- IT Knowledge with high proficiency in work.

d) Qualification for Office Assistant/ Clerks:

- Educational Qualification: Graduation,
- Basic word processing skills and the ability to operate computer and skills to feed data,
- Good Typing speed with proper setting of petition,
- Ability to take dictation and prepare files for presentation in the Courts,
- File maintenance and processing knowledge.

e) Qualification for Receptionist-cum-Data Entry Operator

- Educational Qualification: Graduation,
- Excellent verbal and written communication skills,
- Word and data processing abilities,
- The ability to work telecommunication systems (telephones, fax machines, switchboards etc),
- Proficiency with good typing speed.

Note: Qualifications may be reasonably relaxed in case of exceptional candidate or circumstances after the approval of the Executive Chairman, SLSA."

Perusal of Clause 4 makes it explicitly clear that the Legal Defence Counsels would be engaged on contract basis initially for a period of two years with a stipulation of extension on yearly basis subject to their satisfactory performance. The order in this regard is required to be passed by the Chairman, DLSA with the approval of the Executive Chairman, SLSA.





10. Similarly, Clause 6 of the LADCS deals with the procedure and provision of Termination of Services. For ready reference, the same is reproduced 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."





Clause 6 lays down that the services of any Legal Aid Defence Counsel can be terminated at any time without prior notice by the Chairman, DLSA in writing.

11. This fact is not in dispute that the petitioner was appointed/engaged on the aforesaid post initially for a period of two years commencing from 09.01.2023 till 09.01.2025 and thereafter, his services were further extended for a period of one year, i.e., till 09.01.2026. Thereafter, a show cause notice was issued to the petitioner finding certain negligence on his part in performance of his work and subsequently, the order impugned has been passed on 12.01.2026 while recording certain remarks about the services of the petitioner that he was negligent in discharge of his duties and that his work was found to be unsatisfactory. This fact is not in dispute that the aforesaid remarks of the respondent No.2-Chairman, DLSA are stigmatic and would certainly affect the future, life and career of the young Counsel, such as the petitioner. Such remarks should not have been passed against the petitioner without, conducting any enquiry, as per the mandate of law and the proposition of law, as propounded by the Hon'ble Apex Court in the case of **Swati Priyadarshini** (supra). But looking to the subsequent circumstances, which have occurred after passing of the order impugned of the petitioner, i.e., on 04.08.2026, where the NALSA has closed the LADCS with a clear direction to all Executive Chairman of State Legal Services Authority not to renew the contracts of the Legal Aid Defence Counsels after completion of





their existing contractual tenure and assign legal aid matters to members of the Bar, preferably young Lawyers.

12. The aforesaid order of the NALSA has been assailed before the Hon'ble Apex Court by way of filing the **Writ Petition(s) (Civil) No(s).1037/2026** titled as **Association of Legal Aid Defence Counsels and Supporting Staff-some of DLSAs of Assam, Meghalaya and Nagaland**, wherein the Hon'ble Apex Court has issued notices on 25.08.2026, but no interim order has been passed staying the operation of the order dated 04.08.2026.

13. Under these circumstances, the services of the petitioner cannot be allowed to continue, as the LADCS itself has been discontinued by the orders of NALSA. However, looking to the fact that a stigmatic order has been passed against the petitioner by recording that his services were unsatisfactory and he was negligent in discharge of his duties, the aforesaid remarks passed against the petitioner by the respondent No.2-Chairman, DLSA stand quashed and set-aside & expunged.

14. It is made clear that whatever remarks have been passed against the petitioner in the impugned order would not be treated as stigmatic against the petitioner for all purposes, in his future endeavours.

15. With the aforesaid observation, the instant writ petition stands disposed of.

16. The interim order passed by this Court stands vacated.

(ANOOP KUMAR DHAND),J

8/Aayush Sharma