

In Re: Sarojendra Kumar Dutt

In Re: Sarojendra Kumar Dutt

SooperKanoon Citation : sooperkanoon.com/867195

Court : Kolkata

Decided On : Aug-04-1908

Reported in : 1Ind.Cas.286

Judge : Woodroffe, J.

Appellant : In Re: Sarojendra Kumar Dutt

Judgement :

Woodroffe, J.

1. This is an application for an order that the Petitioner may have liberty to enter into articles of agreement with the attorney, mentioned in the petition, and that such articles of agreement may be treated as valid for the purpose of duly qualifying the Petitioner for the examination of attorney to be held by this Court.

2. The Petitioner desires to enter into articles of clerkship with the view of appearing in the examination for qualifying for attorneyship and the attorney, to whom he wishes to article himself, has expressed some doubt as to whether, under the Rules of this Court, the fact of his being an assistant to another firm would be a bar to his taking a clerk under articles of agreement, notwithstanding the fact that he has, though an assistant in another firm, an independent practice of his own.

3. I do not think that I could make the order asked for. In my opinion, the only attorney who should take an articled clerk is a member of a firm of solicitors and that an assistant in such a firm, though himself a solicitor, should not take an articled clerk.

4. The attorney, taking an articled clerk, should be, in my opinion, a person who has sufficient work of his own to enable his clerk to learn the business of an attorney thoroughly.

5. This, I think, can only be where the attorney carries on his profession on his own account and has, therefore, presumably sufficient business of his own. It is true that the articled clerk might get the benefit of seeing the work entrusted by the firm to its assistant but this is a precarious condition which may either temporarily cease, owing, for instance, to the firm sending its assistant elsewhere on its own business, or it may altogether come to an end by the relationship between the firm and its assistant being severed.

6. In my opinion, therefore, only an attorney who carries on business on his own account and who does not occupy a subordinate position as an assistant to another firm, should be permitted to take an articled clerk and I believe this to be the generally prevalent practice, the existence of which is indicated by the fact of its being considered necessary to make the present application for the Court's special directions.

7. I cannot, therefore, make an order in terms of this petition.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com