



W.P.No.935 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 01.03.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

**WP.No.935 of 2023**

A.Rathinasingam

... Petitioner

Vs

1. The Commissioner,  
Corporation of Coimbatore, Coimbatore.

2. The Mayor,  
Coimbatore Municipal Council,  
Coimbatore – 641 001.

3. The Coimbatore City Municipal Corporation Council,  
Coimbatore City Municipal Corporation,  
Coimbatore – 641 001.

... Respondents

Prayer:- Writ Petition filed under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of impugned Resolution No.361 dated 29.12.2022 made by the third respondent and quash the same and consequently direct the first respondent to make appointment of Corporation Standing Counsels and legal Advisors strictly in consonance with the notification dated 29.08.2022.



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For Petitioner :Mr.S.Viswanathan

For Respondents :Mr.N.Velmurugan, Coimbatore Corporation  
Standing counsel for respondents

### **ORDER**

This Writ Petition has been filed to quash the impugned Resolution No.361 dated 29.12.2022 made by the third respondent and consequently direct the first respondent to make appointment of Corporation Standing Counsels and legal Advisors strictly in consonance with the notification dated 29.08.2022.

2. The grievance of the petitioner is that while issuing notification, the Corporation invited applications of the members of the bar who have minimum 5 years of practice in the bar. While conducting interview, by way of the impugned resolution, only persons who had more than 10 years of practice have been selected. Challenging the same, the present Writ Petition has been filed.

3. In the counter filed by the respondents, it is stated that the petitioner cannot seek appointment as a Corporation Standing Counsel and



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Legal Advisor as a matter of right and the respondent being a party litigant can choose any advocate of their choice by following the due process of law. Pursuant to the notification, 76 applications were received from various Advocates, a three Member Committee was constituted by the first respondent for the purpose scrutinizing the applications and to short list the candidates for oral interview for appointment as Standing Counsel and Legal Advisors for the Coimbatore City Municipal Corporation. Out of 16 short listed candidates, 4 advocates were selected for appointment of Standing counsel and 3 Advocates were selected for appointment as legal Advisors who are having more than 10 years experience.

4. The learned counsel appearing for the petitioner would submit that once a notification has been issued inviting applications for appointment of legal advisors who are having minimum 5 years of bar experience, the same cannot be changed during the interview. Hence, the entire appointment is bad in law.

5. The learned counsel appearing for the respondent fairly submitted that pursuant to the notification inviting applications from the advocates



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having minimum bar experience of 5 years, 76 applications have been received and scrutinizing Committee has been constituted in this regard and found that there are more number of practising advocates having more than 10 years experience and based upon their performance, they have have been selected.

6. Though once, a notification has been issued there cannot be change in any conditions, the fact remains that the lawyers have been selected for defending the corporation or to advise them. It is not a matter of employment. The Corporation being the main litigant has right to chose a lawyer. Merely because applications are invited that will not confer right on the petitioner to be appointed as a Standing Counsel. Ultimately, it is for the litigant or the party who has to select a lawyer to defend them before the Court of law. In such view of the matter, when a three member Committee was constituted and they have found that more advocates had more than 10 years of practice and interviewed and selected four of them as their Legal Advisors / Standing Counsel, the petitioner cannot challenge the entire selection. Since it is only an engagement of lawyer as Legal Advisor and Standing Counsel and not appointment to any post like public



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employment, petitioner has no vested right to question the same. Hence, I do not find any merits in this Writ Petition.

7. Accordingly, this Writ Petition is dismissed. No costs.

**01.03.2023**

Index: Yes/No

Neutral Citation : Yes/No

vrc

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**N.SATHISH KUMAR, J.**

VTC

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