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WP.No.8428 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 20.11.2025

Pronounced on : 27.11.2025

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

WP.No.8428 of 2025 and
WMP.No.9449 of 2025

V.Muthupandi

... Petitioner

Vs.

1.The Secretary to Government,
Public Department, Secretariat,
Fort St.George, Chennai- 600 009
2.The Secretary to Government,
Law Department, Secretariat,
Fort St.George, Chennai- 600 009

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India
praying to issue a Writ of Certiorarified Mandamus calling for the
records relating to impugned notification No.1/2014 dated 04.07.2024
issued by the first respondent and quash the same as illegal, unwarranted
and not consonance with under Section 3(5) and 20 of the Rights of



Persons with Disabilities Act, 2016 and consequently direct the first respondent to appoint as law officer the petitioner.

For Petitioner : Mr.G.Murugendran

For Respondents : Mr.P.S.Raman,
Advocate General
Assisted by
Mr.M.Shahjahan,
Special Government Pleader

ORDER

This writ petition has been filed challenging the notification dated 04.07.2024 on the file of the first respondent.

2. The petitioner is a person with disability of 60%. He is qualified with BL degree and he is practicing as an advocate. While being so, the first respondent issued notification dated 04.07.2024 for appointment of Law Officers to the High Court of Madras and Madurai Bench of this Court. The petitioner had applied for the post of Law Officer. Now the very notification itself is under challenge on the ground that the notification was issued without reference to the Rights of Persons with Disabilities Act, 2016 (hereinafter called as 'the Act'). It



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came into effect on 19.04.2017 for the welfare of disabled persons to improve their socio-economic status. However, there is no preference given to the persons with disability in the notification. Therefore, the petitioner was not given fair opportunity to be appointed as Law Officer. The Act provides that the Government and other authorities must ensure reasonable accommodation and prevent discrimination against the persons with disabilities in employment, education and other aspects of public life.

3. The learned counsel for the petitioner relied upon Section 2 of the Act which provides for “reasonable accommodation”. It means necessary and appropriate notification and adjustments, without imposing a disproportionate or undue burden in particular cases, to ensure that the persons with disabilities enjoy or exercise their rights equally as the others. Further, the notification violated the provisions under Sections 3(5) and 20 of the Act. It provides that the Government and other authorities must provide for equality and non-discrimination to persons with disability and the appropriate Government shall ensure that



the persons with disabilities enjoy the right to life with dignity and no person shall be deprived of personal liberty on the ground of disability.

4. In support of his contention, the learned counsel appearing for the petitioner relied upon the judgment of the Hon'ble Supreme Court of India rendered in the case of ***Vikash Kumar Vs. Union Public Service Commission and Others*** reported in (2021) 5 SCC 370, wherein it was held as follows:

44. The principle of reasonable accommodation captures the positive obligation of the State and private parties to provide additional support to persons with disabilities to facilitate their full and effective participation in society. The concept of reasonable accommodation is developed in section (H) below. For the present, suffice it to say that, for a person with disability, the constitutionally guaranteed fundamental rights to equality, the six freedoms and the right to life under Article 21 will ring hollow if they are not given this additional support that helps make these rights real and meaningful for them. Reasonable accommodation is the instrumentality – are an obligation as a society – to enable the disabled to enjoy



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the constitutional guarantee of equality and nondiscrimination. In this context, it would be apposite to remember Justice R M Lodha's (as he then was) observation in Justice Sunanda Bhandare Foundation v. Union of India¹², where he stated:

“9...In the matters of providing relief to those who are differently abled, the approach and attitude of the executive must be liberal and relief oriented and not obstructive or lethargic...”

5. The learned counsel for the petitioner also relied upon the judgment of the Hon'ble Supreme Court of India rendered in the case of ***Gulshan Kumar Vs. Institute of Banking Personnel Selection and Others*** reported in (2025) 4 SCC 90, wherein it was held as follows:

19. In the ultimate analysis, we are of the considered view that the guidelines issued by the Respondent No.5 pursuant to the directions of this Court, have to be enforced, by extending the benefits for PwBD candidates to all PwD candidates in writing their examinations, without any hindrance. Accordingly, we direct the Respondent No.5 to revisit the Office Memorandum dated 10.08.2022, remove the restrictions and grant relaxations in a reasonable



manner and Writ Petition (Criminal) No. 113 of 2016 incorporate the following aspects and thereby, re-notify the same afresh, within a period of two months:

(i)direct all the authorities / recruitment agencies / examining bodies to uniformly follow the guidelines issued by the Respondent No.5, which is the nodal agency and ensure strict adherence through periodic surveys / verification;

(ii)carry out periodic sensitization drive at educational institutions to raise awareness among the examination conducting bodies so as to ensure that the OMs are effectively implemented;

(iii)set up a grievance redressal portal to register complaints, which would permit the candidates to approach it first before approaching the court of law;

(iv)inspect the guidelines framed by different authorities and re-notify the existing guidelines with an aim to ensure compliance;

(v)extend the validity of the scribe certificate (currently being valid only for 6 months) to prevent the long wait time after applying, especially, in rural areas;

(vi)set up Incentive programs for scribes to ensure their availability and provide necessary training;



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(vii) provide some time prior to the examination to allow the candidates to familiarize themselves with the scribe to ensure that there is a sense of comfort while communicating with the scribe during the examination;

(viii) offer PwD candidates a choice of examination modes, such as scribe, braille, large print, audio recording of answers, etc.;

(ix) take penal action against authorities / officials in charge of decision-making process, who fail to follow the guidelines set out by the Respondent No.5 and formulate guidelines which exclude PwD;

(x) sensitise the persons working for the respondent authorities, and train them on a regular basis, to address the reasonable accommodation needs of PwDs; and

(xi) ensure strict compliance of the letter and spirit of the judgments in Vikash Kumar and Avni Prakash as well as the provisions of the [RPwD Act, 2016](#), with a special focus on 'reasonable accommodation'.

6. The learned counsel for the petitioner also relied upon the judgment of the Hon'ble Supreme Court of India in the case of ***Avni Prakash Vs. National Testing Agency (NTA) and Others*** reported in ***(2023) 2 SCC 286***, wherein it was held as follows:



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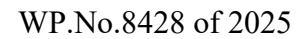


41. Above all, the RPwD Act 2016 contains provisions mandating reasonable accommodation. The expression “reasonable accommodation” is defined in Section 2[y], which reads as under:

“2[y]reasonable accommodation” means necessary and appropriate modification and adjustments, without imposing a disproportionate or undue burden in a particular case, to ensure to persons with disabilities the enjoyment or exercise of rights equally with others;”

The right to inclusive education is realised through the provision of reasonable accommodation. In Vikash Kumar [supra], this Court emphasised that reasonable accommodation is at the heart of the principle of equality and non-discrimination espoused under the RPwD Act 2016. The denial of reasonable accommodation to a PwD amounts to discrimination. It is the positive obligation of the State to create the necessary conditions to facilitate the equal participation of disabled persons in society.

7. Heard the learned counsel appearing on either side and perused all the materials placed before this Court.



9. However, on perusal of the counter filed by the respondents and also the submissions made by the Advocate General appearing for the respondents, it is revealed that the first respondent issued notification thereby inviting applications from eligible advocates for various posts of Law Officer in the High Court of Madras and its Bench at Madurai. All the applications were forwarded to the Selection Committee comprising of the Advocate General and Secretaries of the Law, Home and Public Departments for evaluation. The Selection Committee recommended the



candidates for appointment as Law Officers on behalf of the Government of Tamilnadu to appear before the Principal Bench of this Court and the Madurai Bench of this Court. Further, the appointment of Law Officers is a professional engagement on contractual basis for a specific period primarily to defend the Government in the cases that involves the Government. Therefore, it is not a regular civil post. The Law Officers receive only a retainer fee. Whenever the Government changes, the new Government may appoint new Law Officers. Further, the appointment of Law Officers can be terminated at any point of time. Further, the relationship between the Law Officers and the Government is nothing but client and advocate relationship. The Government functions as client engaging its own Advocates to defend the interest of the Government. Therefore, Law Officers appointed by the Government are not Government employees. Therefore, the appointment of Law Officers is prerogative of Government to safeguard the interest and policy decision of the Government before the Courts. Therefore no rights shall be conferred on any individual to claim appointment to the post of Law Officer as a matter of right and also on the ground of principles of



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reservations. Hence, the “reasonable accommodation” shall not arise in the appointment of Law Officers by the Government.

10. Further, an advocate cannot be appointed as Law Officer solely based on being a differently abled person. The competence of advocates to serve as a law officer should be the primary consideration. Hence, only those officers who meet eligibility criteria will be appointed as Law Officers. In fact, the petitioner did not fulfill the required criteria and as such, he was not recommended by the Selection Committee and he was not considered for the post of law officer. That apart, the petitioner after having been applied for the post of Law Officer as per the notification and after having failed in the selection, cannot challenge the very notification on the ground that he has to be given “reasonable accommodation” under the Act. If at all there is any grievance over the notification that it does not provide any reasonable accommodation for the persons with disability, the petitioner should have challenged the very notification before applying for the post. Therefore, the petitioner cannot challenge the notification after failing in the selection process.



Further, the Law Officers appointed by the Government are not considered as Government employees.

11. In this regard, the learned Advocate General appearing for the respondents relied upon the judgment of the Hon'ble Division Bench of this Court rendered in the case of ***Thol.Thirumaavalavan Vs. The Principal Secretary, Department of Law, Tamilnadu and others*** in WP.No.14582 of 2017 dated 07.12.2023, which was filed challenging the “Appointment of Law Officers of High Court of Madras and its Bench at Madurai (Appointment) Rules, 2017, in which the Hon'ble Division Bench held as follows:

12. The relationship between an advocate and his client is uberrima fides, i.e., one of active confidence and trust. The government is the custodian of public interest. It is the obligation and the duty of the government to protect the public interest to its optimum extent and in the best possible manner. This duty mandates the government to engage the most proficient, competent and capable persons to represent it, inter alia, the public



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interest. Ergo, in the selection of Law Officers, the government is duty bound to make earnest efforts to choose the best. In view of that, while selecting the Law Officers, merit ought to be the sole consideration. The methodology adopted for selecting the Law Officers naturally has to be transparent and the invitation of the applications should be broad-based, so as to enable the government to select the most competent, capable and meritorious lawyers to represent it as Law Officers. Eventually, they would be safeguarding the public interest.

13. The relationship between the government and the Law Officer is purely a professional relationship and not that of a master and servant. The Law Officers engaged by the government, during their performance of the duty, are not holding any civil post. They are also not government servants and/or government employees. The appointment of these Law Officers is at the pleasure of the government. The sine qua non is that the Law Officers selected by the government should be duly qualified, competent and worthy to represent it. The determination of their engagement is also at the pleasure of the government. So also, the Law Officer engaged by



the government has a right to terminate his services with the government. It cannot be said that their appointment is a tenure appointment.

12. Thus it is clear that the Law Officers engaged by the Government do not hold a civil post and only the relationship of master and servant exists. Hence, the “reasonable accommodation” as contemplated under the Act cannot be followed in the appointment of Law Officers. In fact, it does not attract reservation policy. The Law Officers of the Government are meant to be advocates of the Government. Whenever the Government finds fault with a law officer, the Government can engage another law officer to represent it before this Court. The Law Officers are not employees of the Government. Therefore, “reasonable accommodation” under the Act cannot be followed in the process of appointment of Law Officers by the Government. Therefore, this Court finds no infirmity or illegality in the impugned notification dated 04.07.2024.



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13. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

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Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

- 1.The Secretary to Government,
Public Department, Secretariat,
Fort St.George, Chennai- 600 009
- 2.The Secretary to Government,
Law Department, Secretariat,
Fort St.George, Chennai- 600 009

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