

W.P.(MD)No.4405 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.02.2025

CORAM:

THE HONOURABLE **MRS. JUSTICE J. NISHA BANU**
and

THE HONOURABLE **MRS. JUSTICE S. SRIMATHY**

W.P.(MD)No.4405 of 2025

and

W.M.P.(MD)Nos.3160 and 3161 of 2025

G.Sakthi Rao

... Petitioner

Vs.

1.The Advocate General,
State of Tamilnadu,
Office of the Advocate General,
High Court Campus, Chennai- 600 104.

2.The Secretary to Government,
Government of Tamilnadu,
Public (Law Officers) Department,
Secretariat, Chennai-600 009.

3.The Principal Secretary to Government,
Home (Courts-iv) Department,
Secretariat, Chennai-600 009.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a ***Writ of Certiorarified Mandamus***, to call for the entire records of the 2nd respondent pertaining to the impugned orders of appointment of certain Advocates / Law Officers as Special Government Pleader, Additional Government Pleaders and Government Advocates (Civil / Criminal side and Taxes) in the High Court of Madras and its Bench at Madurai published



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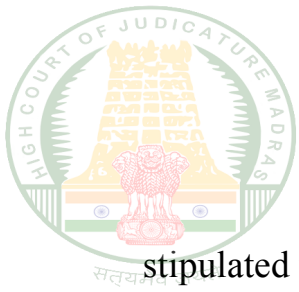
on G.O.(Ms)No.127, dated 10.02.2025, for the Notification 01/2024, dated on 04.07.2024, to quash the same as illegal, arbitrary and devoid any reasons, consequently, to appoint retired High Court Judges or an Advocate Commissioner or another qualified individual shall be appointed to evaluate the suitability and professional competency of Advocate for the appointment of Law Officers, as published in G.O.(Ms)No.127, dated 10.02.2025, and to direct the 2nd respondent to appoint the petitioner as a Government Advocate in the High Court of Madras, within the time stipulated by this Court.

For Petitioner : Mr.G.Sakthi Rao (Party in Person)
For Respondents : Mr.M.Ajmal Khan
Additional Advocate General
assisted by Mr.P.Tilak Kumar
Government Pleader

ORDER

(Order of the Court was delivered by **S.SRIMATHY, J.**)

The present writ petition is filed for writ of Certiorarified Mandamus, to quash the impugned orders of appointment of Law Officers to High Court of Madras in G.O.(Ms)No.127, dated 10.02.2025 and the Notification No.1 of 2024, dated 04.07.2024 and consequently, to appoint retired High Court Judges or an Advocate Commissioner or another qualified individual to evaluate the suitability and professional competency of Advocate for appointment of Law Officers within



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stipulated time.

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2.The writ petitioner is a qualified Advocate practicing before the Madras High Court, Madurai Bench of Madras High Court, District Courts and has also appeared before the Hon'ble Supreme Court.

3. The brief facts as stated in the affidavit are that the respondents called for applications from eligible Advocates for filling up 37 vacant posts of Law Officers to represent the Government before the Madras High Court and Madurai Bench of Madras High Court on contract basis. The petitioner is one of the applicants. The 2nd respondent published the results vide G.O.(Ms)No.127, dated 10.02.2025. The petitioner's name was not included in the list.

4. The contention of the petitioner is that the candidates with lesser experience were being selected but the petitioner was not called for personal interview or he was not asked about his willingness to work before the Madras High Court, Chennai. Further contention is that the respondents have not followed G.O.Ms.No.369, dated 29.04.2017, wherein it is stated that the recruitment should be transparent. And the Selection Committee has not disclosed the suitability criteria for candidates. Many Law Officers who are appointed lack full



qualification and some are non-practicing Advocates. The selection appears to favour Advocates who have ties with the ruling political party. Despite the petitioner's extensive experience, the petitioner was not selected. Even in G.O.Ms.No.369, dated 29.04.2017, it is stated that only eligible candidates can be selected but the respondents have not chosen the eligible and meritorious candidates but have selected the candidates with party affiliation. Aggrieved over the same, the present writ petition is filed.

5. The learned Additional Advocate General appearing for the respondents submitted that the G.O., prescribed the method of appointment wherein the Government was authorized to invite applications in the format prescribed in “Annexure 1” from the eligible Advocates by putting up notice in the recognized Bar Associations by post. Then the applications would be forwarded to the Learned Advocate General of Tamil Nadu for scrutiny. Thereafter, a Selection Committee consisting of the following members was formed:

The Advocate General	- Chairman
The Secretary (Public)	- Member
The Secretary (Home)	- Member
The Secretary (Legislation), Law	- Member



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After analysing the merits of the candidates, the Selection Committee would select the Law Officers. Thereafter, the same would be forwarded to the Government for appointment. When the said G.O., prescribes a method to select the Law Officers, the allegation of the writ petitioner that there is no transparency is incorrect.

6. After hearing the rival submissions, this Court is of the considered opinion that the petitioner has stated that there is no transparency, which is a bald statement. There is no specific allegation how there is no transparency in the selection process. It is seen that the rules specifically prescribe a method of selection by forming Selection Committee. Therefore, this Court is not inclined to entertain the present writ petition. Hence, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[J.N.B., J.] [S.S.Y., J.]
18.02.2025

Index : Yes / No
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