



2025:DHC:4411



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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**Date of Decision : 22.05.2025**+ **W.P.(C) 11868/2024****DEEPAK KUMAR CHOPRA**

.....Petitioner

Through: Mr. Deepak Kumar Chopra, Adv. in  
person

versus

**UNION OF INDIA**

.....Respondent

Through: Mr. Chetan Sharma (ASG) along with  
Mr. Ripudaman Bhardwaj (CGSC),  
Mr. Amit Gupta, Mr. Kushagra  
Kumar, Mr. Saurabh Tripathi, Mr.  
Urja Pandey, Advs.**CORAM:****HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (ORAL)**

1. The present petition has been filed by the petitioner being aggrieved by the order issued by the respondent / Ministry of Law and Justice, Department of Legal Affairs *vide* notification / order no. J/110017/26/2023-judicial dated 13.03.2024 (hereinafter referred to as the '*impugned notification*'), which pertains to the empanelment of Advocates for conducting central government litigation before the High Court of Delhi, the Central Administrative Tribunal (PB), the Armed Forces Tribunal (PB), and various district and subordinate courts in Delhi.

2. It is submitted that the impugned notification is liable to be set aside for the reason that the same has been issued without issuing any notification/advertisement or without inviting applications from the advocates who are interested/desirous for getting the aforementioned



empanelment.

3. It is further submitted that the impugned notification has been issued without prescribing any eligibility criteria for the aforementioned empanelment and/or without assessing the suitability of the advocates (who have been empanelled thereunder) *vis-à-vis* the particular court / forum.

4. Respective counsel for the parties have been heard.

5. This Court is not inclined to entertain the present petition and issue a mandamus which interdict with the right of the Union of India to appoint / empanel counsel / advocates of its choice.

6. It is trite that the Union of India, just like any other litigant, is entitled to appoint / empanel counsel / advocates of its choice. It would be wholly inappropriate for this Court, in these proceedings under Article 226 of the Constitution of India, to impose limitation or read restrictions into the right of the Union of India in this regard.

7. During the course of hearing, it also transpires that the petitioner himself is not desirous of seeking empanelment as a counsel for the Union of India in any court / forum. As such, the petition does not disclose any valid and subsisting cause of action in favour of the petitioner.

8. Even otherwise, the issue is foreclosed by the judgments rendered by this Court, as mentioned hereunder.

9. In ***Rajinder Nischal v. Union of India Through Its Secretary & Anr.***, 2023:DHC:4420-DB, a Division Bench of this Court has been held as under:-

*“1. The instant Writ Petition under Article 226 of the Constitution of India has been filed by the Petitioner, who is an Advocate. The Petitioner seeks to challenge the method of empanelment of Advocates to represent the Union of India contending that the size of the panel to represent the Government of India is not fixed and the Government does not invite*



applications for appointment or renewal of the panel and that the appointment of Advocates as Government Counsel is contrary to the law laid down by the Apex Court in *State of Punjab v. Brijeshwar Singh Chahal*, (2016) 6 SCC 1.

2. At the outset, it is pertinent to mention that the Petitioner himself was an empanelled Government Counsel and at the time of his empanelment also neither there was any fixed panel of Advocates to represent Government of India nor was the Petitioner subjected to any written examination before his appointment as Government Counsel.

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5. It seems that the Petitioner, who is an Advocate, has filed the present petition after being a beneficiary of the very same process which has been assailed in the present Writ Petition only because he has been denied extension or reappointment. A litigant can always choose a lawyer to represent him and the Government of India, which is one of the largest litigant in the country, has the freedom to appoint its own lawyers. This Court is of the view that the present petition is nothing but a Publicity Interest Litigation.

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9. Public Interest Litigation was conceptualised as a weapon to secure justice for the voiceless. The Apex Court said that Public Interest Litigation has to be used with great care and circumspection and the judiciary has to be extremely careful to see that behind the beautiful veil of public interest an ugly private malice, vested interest and/or publicity-seeking is not lurking. The attractive brand name of Public Interest Litigation should not be used for suspicious products of mischief and should be aimed at redressal of genuine public harm or public injury. Courts must be careful to see that a member of public who approaches the Court is acting bona fide and not for personal gain or private motive or political motivation or other oblique consideration.

10. This Court is of the view that no public interest is involved in the present petition and it has been filed only to upset the apple cart.

11. In view of the above, the Writ Petition is dismissed, along with the pending applications, if any.”

10. Vide order dated 31.10.2023 passed in W.P.(C) 14106/2023 titled as “**WG CDR Retd V S Tomar Advocate v. Union of India and Ors.**”, a Coordinate Bench of this Court has held as under:-

“7. The Petitioner cannot claim empanelment as a Counsel for the Union of India as a matter of right. It is the pure discretion of the Government whether to appoint an Advocate as a Counsel or not. The fact that the Petitioner was a Standing Counsel for six years does not give him any right to continue as a panel counsel. The facts of *Shrilekha Vidyarthi*



*(supra) is not applicable to the facts of the present case. In that case, the Government of Uttar Pradesh, by a general order, terminated the appointments of all the Government Counsels engaged throughout the State of U.P. for Civil/Revenue/Criminal. In that case, an objection was raised that since the issue arises out of contractual obligation, a Writ Petition would not be maintainable. That argument was repealed by the Apex Court by stating that even in matters of contract a Writ Petition would be maintainable if the arbitrariness is writ large in the decision taken. The Apex Court has held that whether the impugned act is arbitrary or not would be decided in the facts and circumstances of the given case.*

*8. As stated earlier, the Government prepares a list of Advocates whom the Government wishes to engage. No person should claim that he must be selected by the Government. The reliance placed on Brijeshwar Singh Chahal (supra) is also not applicable to the facts of this case. In the said case, the judgment was passed by the Apex Court while hearing a transfer petition and the question that was raised in the Apex Court was as to whether the appointment of law officers by the State Governments can be questioned or the process by which such appointments are made, can be assailed on the ground that the same are arbitrary, hence, violative of the provisions of Article 14 of the Constitution of India. In the said case, the transfer petition was filed for the transfer of a Writ Petition which was challenged by a person who was initially appointed as Assistant Advocate General by order dated 23.04.2002. The appointment was on contractual basis and it was valid till to 31.03.2003, but the same was continued till 31.03.2004 by an order dated 19.07.2003. Thereafter, the Petitioner therein was appointed as Deputy Advocate General in the pay scale of Rs 18,400-22,400/- by order dated 11.01.2008 and his tenure was later extended up to year 2011-2012. It is also pertinent to mention that the law officers in Punjab and Haryana High Court, from where the issue before the Apex Court arose, are entitled to a monthly salary and one of the allegations made by the Petitioner therein was that a number of Law Officers are without work and are only receiving the salary, which, according to the Petitioner therein, was idle salary. Therefore, the challenge before the Apex Court was for a post. In the present case the challenge is for the mode of empanelment of lawyers and not appointment of lawyers to a post. In the present case, there is no salary which is attached to the post of a Panel Counsel. A Panel Counsel is paid on the basis of appearance. It is purely the discretion of the Government to engage a lawyer of its choice to represent it before the Courts.*

*9. As the Petitioner has not been able to show any right, the Writ Petition is not maintainable and the same is accordingly dismissed along with the pending applications, if any.”*



2025:DHC:4411



11. In the aforesaid circumstances, there is no merit in the present petition; the same is, accordingly, dismissed.

**SACHIN DATTA, J**

**MAY 22, 2025/r, kg**