



W.P(MD)No.18021 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 25.06.2026

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THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR
and
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P(MD)No.18021 of 2026

and

WMP(MD)Nos.13341 and 13343 of 2026

N.Elangovan

... Petitioner

Vs.

1. The Additional Chief Secretary to Government,
Home (Courts VIA, department),
Secretariat,
Chennai.

2. The District Collector,
Madurai.

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the ROC.No.C4/e4593516/2026 dt.05.06.2026 issued by the 2nd respondent, and quash the same to the extent of appointment for the post of Special Public Prosecutor 1 and 2, in the Special Court in the cadre of District Judge, Madurai, dealing with the cases of offences in contravention of provision of MMDR, Act 1957, shown as serial no.14 and 15 therein as it is arbitrary and illegal and to direct the 2nd respondent to consider petitioner's application dated 10.09.2025 for the post of appointment of the said post.

For Petitioner : Mr.R.Suriya Narayanan



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For R1 & R2

: Mr.B.Saravanan, Additional Advocate General
assisted by Mr.S.Venkatesh, Counsel for State

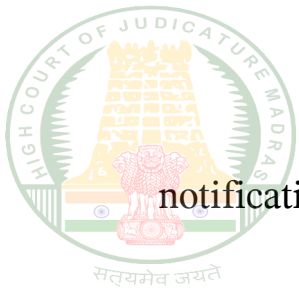
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ORDER

(Order of the Court was made by **N.SATHISH KUMAR, J.**)

The petitioner challenges the notification dated 05.06.2026 issued by the 2nd respondent for filling up the post of Law Officers in Madurai District on a tenure basis for a period of three years as per the provision contained in Section 18(3)(4) and (5) of Bharatiya Nagarik Suraksha Sanhita, 2023.

2. The petitioner was originally appointed as Special Public Prosecutor temporarily by virtue of G.O(D)No.1003, Home (Courts-VIA) Department, dated 04.08.2025. He took charge as Special Public Prosecutor on 06.08.2025. Later, the 2nd respondent issued a notification in Roc.No.C4/e3637537 dated 18.08.2025 for filling up the said post permanently inviting application from the eligible advocates. In pursuant to the said notification, the petitioner has applied for the same before 19.09.2025. However, when the said application is pending, the 2nd respondent has issued the impugned notification. According to the petitioner, he has got every legitimate expectation to be appointed as Special Public Prosecutor. Therefore, he challenges the second



notification.

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3. We have perused the entire materials.

4. The petitioner was appointed as Special Public Prosecutor temporarily by virtue of G.O(D)No.1003, Home (Courts-VIA) Department, dated 04.08.2025 with a condition that his services are liable to be terminated at any time without prior notice. Thereafter, on 18.08.2025, the District Collector has called for panel of names of advocates for filling up the post of Special Public Prosecutor as requested by the Government. According to the petitioner, he has applied in pursuant to the said notification. When the matter stood thus, now the impugned notification has been issued for filling up the post of Law Officers in various District / Subordinate Courts in Madurai District. Therefore, according to the petitioner, he has got every legitimate expectation to be considered pursuant to the earlier notification. Therefore, he has challenged the present notification which has been issued in pursuant to the Government Order for appointment of Law Officers throughout the State and as a District Magistrate, the Collector has called for the panel of names of advocates for filling up the post of Law Officers



in Madurai District on a tenure basis for a period of three years. It is

relevant to note that appointment of Public Prosecutors is governed under

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Section 18 of BNSS which reads as follows:

"18. Public Prosecutors.

(1) For every High Court, the Central Government or the State Government shall, after consultation with the High Court, appoint a Public Prosecutor and may also appoint one or more Additional Public Prosecutors, for conducting in such Court, any prosecution, appeal or other proceeding on behalf of the Central Government or the State Government, as the case may be:

Provided that for National Capital Territory of Delhi, the Central Government shall, after consultation with the High Court of Delhi, appoint the Public Prosecutor or Additional Public Prosecutors for the purposes of this sub-section.

(2) The Central Government may appoint one or more Public Prosecutors for the purpose of conducting any case in any district or local area.

(3) For every district, the State Government shall appoint a Public Prosecutor and may also appoint one or more Additional Public Prosecutors for the district:

Provided that the Public Prosecutor or Additional Public Prosecutor appointed for one district may be appointed also to be a Public Prosecutor or an Additional Public Prosecutor, as the case may be, for another district.

(4) The District Magistrate shall, in consultation with the Sessions Judge, prepare a panel of names of persons, who are, in his opinion fit to be appointed as Public Prosecutors or Additional Public Prosecutors for the district.

(5) No person shall be appointed by the State Government as the Public Prosecutor or Additional



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Public Prosecutor for the district unless his name appears in the panel of names prepared by the District Magistrate under sub-section (4).

(6) Notwithstanding anything in sub-section (5), where in a State there exists a regular Cadre of Prosecuting Officers, the State Government shall appoint a Public Prosecutor or an Additional Public Prosecutor only from among the persons constituting such Cadre:

Provided that where, in the opinion of the State Government, no suitable person is available in such Cadre for such appointment, that Government may appoint a person as Public Prosecutor or Additional Public Prosecutor, as the case may be, from the panel of names prepared by the District Magistrate under sub-section (4).

Explanation. - For the purposes of this sub-section,-

(a) "regular Cadre of Prosecuting Officers" means a Cadre of Prosecuting Officers which includes therein the post of Public Prosecutor, by whatever name called, and which provides for promotion of Assistant Public Prosecutors, by whatever name called, to that post;

(b) "Prosecuting Officer" means a person, by whatever name called, appointed to perform the functions of a Public Prosecutor, Special Public Prosecutor, Additional Public Prosecutor or Assistant Public Prosecutor under this Sanhita.

(7) A person shall be eligible to be appointed as a Public Prosecutor or an Additional Public Prosecutor under sub-section (1) or sub-section (2) or sub-section (3) or sub-section (6), only if he has been in practice as an advocate for not less than seven years.

(8) The Central Government or the State Government may appoint, for the purposes of any case or class of cases, a person who has been in practice as an advocate for not less than ten years



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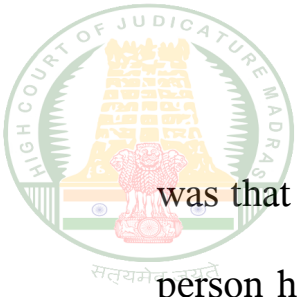
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as a Special Public Prosecutor:

Provided that the Court may permit the victim to engage an advocate of his choice to assist the prosecution under this sub-section.

(9) For the purposes of sub-section (7) and sub-section (8), the period during which a person has been in practice as an advocate, or has rendered (whether before or after the commencement of this Sanhita) service as a Public Prosecutor or as an Additional Public Prosecutor or Assistant Public Prosecutor or other Prosecuting Officer, by whatever name called, shall be deemed to be the period during which such person has been in practice as an advocate."

5. The role of the District Magistrate is only to prepare the panel of names of advocates in consultation with the Sessions Judge and give his opinion whether such persons are fit to be appointed as Public Prosecutors and Additional Public Prosecutors for the district. For appointment of Special Public Prosecutors for Special Courts dealing with the cases under Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, the Government alone is the appointing authority to make such appointments by notification in the Official Gazette. The same procedure is to be followed and the Sessions Judge shall be consulted. It is to be noted that Public Prosecutor post is not permanent one. It is the will and wish of the Government. The earlier appointment of the petitioner itself



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was that he can be terminated at any time. Therefore, merely because one person has been appointed earlier as Special Public Prosecutor, he cannot seek his appointment as permanent in the same post. It is for the Government to engage such person's service considering various factors particularly, after considering the opinion of the District Magistrate and the Sessions Judge. Thus, it is clear that the Government is ultimate authority to appoint such Public Prosecutors and such appointment is also liable to be terminated at any time. Therefore, merely because on earlier occasion the petitioner was appointed as Public Prosecutor, he cannot now challenge the notification calling for the applications which has to be forwarded to the Government after consultation with the Sessions Judge. It is relevant to note that after the new Government has assumed, the process for appointment of the Public Prosecutors and Law Officers is undertaken by the new Government and the notification is issued not only for the Madurai district, but also for the other districts throughout the State. Therefore, a person who merely held such post cannot have any vested right to challenge the notification.

6. For all the above said reasons, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.



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[N.S.K., J.] & [M.J.R., J.]

25.06.2026

Index : Yes / No

Neutral Citation : Yes / No

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To

1. The Additional Chief Secretary to Government,
Home (Courts VIA, department),
Secretariat,
Chennai.

2. The District Collector,
Madurai.



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N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.

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ORDER MADE IN
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