IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MRS. JUSTICE PREETA A.K.

MONDAY, THE 16TH DAY OF NOVEMBER 2026 / 25TH KARTHIKA, 1948

WA NO. 2350 OF 2026

AGAINST THE JUDGMENT DATED 13.10.2026 IN WP(C) NO.32107 OF 2026 OF HIGH COURT OF KERALA

APPELLANT(S)/PETITIONER:

K R REJITH KUMAR
AGED 55 YEARS
ADDITIONAL GOVERNMENT PLEADER AND ADDITIONAL PUBLIC PROSECUTOR, SUB COURT, CHAVAKKAD, TRICHUR, PIN - 680506

BY ADVS.
SRI.T.G.RAJENDRAN
SRI.T.R.TARIN
SMT.JYOTHY KRISHNA

RESPONDENT(S)/RESPONDENTS:

1 **THE DISTRICT COLLECTOR**
CIVIL STATION, AYYANTHOLE, TRICHUR, PIN - 680003

2 **THE LAW SECRETARY**
GOVERNMENT OF KERALA, LAW INSPECTION DEPARTMENT,
THIRUVANANTHAPURAM, PIN - 695001

3 **STATE OF KERALA**
REPRESENTED BY CHIEF SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM, PIN – 695001

SRI. AHAMED FAZIL E.C, SPL. GP

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 16.11.2026, ALONG WITH WA.2332/2026, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MRS. JUSTICE PREETA A.K.

MONDAY, THE 16TH DAY OF NOVEMBER 2026 / 25TH KARTHIKA, 1948

WA NO. 2332 OF 2026

AGAINST THE JUDGMENT DATED 07.10.2026 IN WP(C) NO.33123 OF 2026 OF HIGH COURT OF KERALA

APPELLANT(S)/PETITIONER:

1 **RENJITH R**
AGED 53 YEARS
ADVOCATE, S/O.RAMACHANDRA PILLAI ANANDA
MANDIRAM IVERKALA EAST P.O, KUNNATHOOR VILLAGE
KOLLAM, PIN - 691507

2 **USHAR P**
AGED 53 YEARS
ADVOCATE, S/O PONNAPPAN K.N, KALYANIMANDIARAM,
MUNDAKKAL EAST, MUNDAKKAL VILLAGE,
KOLLAM, PIN - 691001

BY ADVS.
SRI.M.H.HANIL KUMAR
SHRI.K.J.MANU RAJ
SMT.GOPIKA ANIL

RESPONDENT(S)/RESPONDENTS IN WPC:

1 **STATE OF KERALA**
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY
HOME (L) DEPARTMENT GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001

2 **SECRETARY TO LAW DEPARTMENT**
OFFICE OF LAW SECRETARY, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM, PIN - 695001

3 **THE DISTRICT COLLECTOR**
CIVIL STATION ROAD, VIDHYA NAGAR, KOLLAM,
PIN - 691013

4 **THE CHIEF SECRETARY**
GOVERNMENT OF KERALA GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM, PIN - 695001

SRI. AHAMED FAZIL E.C, SPL. GP

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 16.11.2026, ALONG WITH WA.2350/2026, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J U D G M E N T

Preeta A.K, J.

The issue raised in these Writ Appeals are common and pertain to the continuation of Additional District Government Pleaders and Public Prosecutors on the ground that their appointment was term based and the steps which are underway to disengage them during the currency of the term is illegal. Relying on ***Shrilekha Vidyarthi v. State of U.P. (1991 (1) SCC 212)***, the learned counsel for the appellants contend that the *en masse* termination of the District Government Counsel in all the districts was struck down by the Apex Court as arbitrary and illegal and, therefore, the steps now taken to terminate their engagement by inviting fresh applications are also arbitrary and illegal.

2. After taking note of the provisions of the Kerala Government Law Officers (Appointment and Conditions of Service) and Conduct of Cases Rules, 1978 (hereinafter referred to as 'the 1978 Rules'), the learned Single Judge held that essentially, the relationship between the State and the Government Pleaders/Public Prosecutors is one of lawyer and client, and the basis of such a relationship is trust. The learned Single Judge distinguished the judgment in ***Shrilekha Vidyarthi v. State of***

U.P. *(supra)* by holding that the entire concept has been watered down by a three-Judge Bench in ***State of U.P. v. Johri Mal (2004 (4) SCC 714)***, and held that if the competent authority decides, in terms of the provisions contained in Rule 17 of the 1978 Rules, to disengage the appellants, who were the petitioners, and engage other lawyers after preparation of the panel in terms of the provisions contained in the 1978 Rules and after following the procedure contemplated under the BNSS, such a decision cannot be questioned in a Writ Petition under Article 226 of the Constitution of India.

3. An identical situation has arisen in W.A. No.2350 of 2026, even though the area in which the appellants have been appointed is different.

4. Even before us, the learned counsel for the appellants would contend that, having been appointed after a regular selection process and for a fixed term, the respondents are estopped from relying on Rule 17 of the 1978 Rules to terminate their service and replace them with another set of Additional District Government Pleaders.

5. As rightly pointed out by the learned Single Judge, the relationship between the appellants and the respondents is one of

lawyer and client, and herein, the client is the State, which is the prosecuting authority. Therefore, it is incumbent that all the rights which a client has in respect of making decisions regarding who should represent them are available even to the State. Therefore, we do not find that a decision to replace the appellants with lawyers of their choice, subject to compliance with the statutory prescription, would be arbitrary or illegal.

We, therefore, do not find any reason to interfere with the judgment of the learned Single Judge. The Writ Appeals fail and are accordingly dismissed.

Interlocutory applications, if any pending, shall stand closed.

Sd/-

DR. A.K.JAYASANKARAN NAMBIAR
JUDGE

Sd/-

PREETA A.K.
JUDGE

sab