

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
WP No. 1080 of 2022

(LAW STUDENTS ASSOCIATION Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Dated : 28-03-2025

Later-on (28.03.2025)

I.A.No.5308/2025 has been filed on behalf of the petitioner claiming the following reliefs:-

- (i) May kindly direct that an enquiry may be conducted in the instant issue and if any financial illegality found then appropriate legal action be taken against the erring officers.
- (ii) Since the ex-chequer of the government has been subjected to huge expenditure as a result of this scam. Therefore, the entire expenditure should be recovered from the officers and public functionaries who are responsible for this entire scam.
- (iii) Any other relief that this Hon'ble Court may deem fit in the interest of justice.

Learned counsel for the petitioner has submitted that as per the letter issued on 20.03.2025 by the Department of Law & Legislative Affairs, Government of M.P. addressed to the Principal Secretary, Department of Health, alleged to have been widely circulated on social media and a news item was also published in local newspaper i.e. Dainik Bhaskar on 19.03.2025 that a question was raised on the floor of Legislative Assembly alleging that the Advocate General has charged exorbitant professional fees and the same has been paid to him. Not only this, it is also alleged that in the present PIL relating to Nursing Colleges, the Advocate General and other counsels appearing on behalf of the Madhya Pradesh Nurses Registration Council (MPNRC) have been paid professional fees on behalf of the State-organisation whereas as per the letters dated 12.01.2022 and 12.09.2024, no separate fees is required to be paid to the law officers representing the

'Government Departments'. It is apprehended by the learned counsel for the petitioner that all this exercise is being done by the State authorities for attempting to derail the proceedings of PIL and also to divert the focus of this Court because this PIL is at the verge of conclusion and this Court had directed the respondents-authorities to produce the relevant record of proceeding related to grant of recognition to the Nursing Colleges as they were not found suited and did not have the requisite infrastructure to possess the recognition.

Although the learned counsel for the respondents has submitted several documents along with memo dated 28.03.2025 and pointed-out that all these news items have no fulcrum and the allegations made therein having no substance. It is also submitted that it is not the attempt by the respondents to derail the proceedings of this PIL. It is also submitted that the question raised at the floor of Legislative Assembly and answer thereto do not affect the proceeding of this case and it is also submitted that all those allegations made have no foundation and it is nothing but an attempt to shoot in the dark.

We have heard the submissions of learned counsel for the parties and also perused the application and the documents made available to us.

Indeed, the submissions made on behalf of the petitioner appear irrelevant inasmuch as it is an expenditure made by the government during the course of litigation. In number of petitions, the MPNRC is party, which is an autonomous body having nothing to do with the government departments and as such they are free to appoint any counsel or to pay the professional fees for the term, to which, the counsel and organisation have agreed to. It is for them to make their financial norms and the Court has nothing to do with the same. We do not find violation of any government policies or any other illegality. Neither any material has been placed before us as to what amount has actually been paid to the Advocate General

or to other law officers of the State, nor any circular has been produced providing that a private organisation cannot engage any counsels who are not in the panel of State counsels and they have to pay the requisite fees to their counsels. Therefore all those letters, which have been referred are restraining the government departments from making payment of independent fees to the law officer(s) of the State but autonomous bodies, Corporations, legal bodies, government companies of the State having its autonomy and they can engage their counsel for their own funds and they are also free to engage the Advocate General and other law officers of the State and independent payment of professional fees, according to their norms, can be made to the engaged counsel, whether it is the Advocate General or any other law officers of the State.

Notably, the appointment of Advocate General is made under Article 165 of the Constitution of India and he holds the office during the pleasure of the Governor and receives such remuneration as the Governor may determine. Nowhere it is prescribed that the Advocate General cannot represent any autonomous body/Corporation of the State or cannot charge an independent professional fees.

Exempli gratia, an issue with regard to payment of fees on higher side by the Municipal Corporation was raised before the Division Bench of High Court of Maharashtra in **Criminal Writ Petition No.41/2021 (Sharad Datta Yadav v. Municipal Commissioner & Anr.)**. That was a case in which demolition of construction raised by Kangana Ranaut cropped up for consideration and enquiry was sought with regard to payment of exorbitant legal fees by the Corporation to the counsel. The Court dismissed the petition vide order dated 08.02.2021 observing that the allegations exude the vice of mala fide and that cannot be countenanced by any standard.

Mulling over the situation, we are firm in our opinion that such type of allegations are not required to be scrutinized nor would such allegations adversely affect the minds of this Court, which can cause any apprehensive derailment of the proceedings already initiated. Such allegations without any fulcrum or proof of making payment of exorbitant professional fees to the Advocate General or other law officer(s) cannot be looked into by this Court. Indeed, we do not want to enlarge the scope of the case and even otherwise, we do not find any illegality prima facie in the case of engaging lawyers by the autonomous body i.e. MPNRC and paying the professional fees as per their norms.

Reluctant to indulge in such frivolous allegations, we hereby dismiss the application.

(SANJAY DWIVEDI)
JUDGE

(ACHAL KUMAR PALIWAL)
JUDGE

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