

WA No. 2214 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED: 28-07-2026****CORAM****THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM****AND****THE HON'BLE MR.JUSTICE N.SENTHILKUMAR****WA No. 2214 of 2026****AND****CMP NO. 19163 OF 2026**

V. Muthupandi,
S/o.Late Velladurai,
No.9/4, Manickavasagar Street,
East Tambaram,
Chennai -600059.

..Appellant(s)

Vs

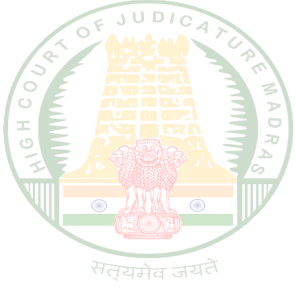
1. The Secretary to Government,
Public Department,
Secretariat, Fort St George,
Chennai -600009.
2. The Secretary to Government,
Law Department, Secretariat,
Fort St. George, Chennai -600009.

..Respondents

Prayer : Writ Appeal under Clause XV of the Letters Patent to set aside the order passed by the Honble Court dated 27.11.2025 in WP.No.8428 of 2025.

For Appellant(s): Mr.G.Murugendran

For Respondent(s): Dr.R.Gouri, Government Counsel for R1 & R2

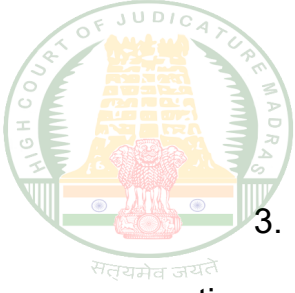


Judgment

(Judgment of the Court was delivered by S.M.Subramaniam J.)

Section 34(1) of the Right of Persons with Disabilities Act, 2016 contemplates that every appropriate Government shall appoint in every Government establishment, not less than four per cent. of the total number of vacancies in the cadre strength in each group of posts meant to be filled with persons with benchmark disabilities of which, one per cent. each shall be reserved for persons with benchmark disabilities under clauses under sub-section (1) to Section 34.

2. In the present case, though the learned counsel for the appellant would submit that the appellant is not insisting for reservation for differently abled persons in the engagement of government lawyers by the Government, an indirect attempt has been made to secure reservation under Section 34 of the Act. Learned counsel for the appellant, on the one hand would submit that the appellant is not seeking reservation for appointment to the post of Government lawyers, but on the other hand he says that under the Act he must be accommodated as government lawyer and the said statements are contradictory to each other. He would further submit that the object of the Act is to be taken into consideration.



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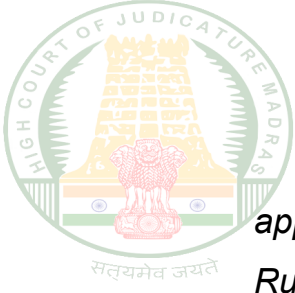
3. No doubt, the object is laudable and widely being implemented in our nation currently. As far as appointments are concerned, even some private sector organisations are applying the Act by providing appointment to differently abled persons. In the present case, Notification No.1 of 2024 dated 04.07.2024 is under challenge. The said notification invited applications under Rule 5(3) of the Law Officers of High Court of Madras and its Bench at Madurai Appointment Rules, 2017. Clause (3) of the notification reads as under:

“3. The applicants shall send or submit their application (Application form can be downloaded from the website <http://www.tn.gov.in> under “Announcements”) through registered post or in person to the Secretary to Government, Public Department, Secretariat, Chennai-600 009 by 22.07.2024 before 5.45 p.m. The envelope should be superscribed as “Application for the post of Additional Advocate General / Special Government Pleader / Additional Government Pleader / Government Advocate (Civil Side / Criminal Side / Taxes) as applicable”. The application received after the due date / time will be summarily rejected.”

Clause 5 ‘Terms and Conditions’ reads as under:

“5. Other terms and Conditions:

(a) the appointment shall be purely on contractual basis and shall be for such term as may be determined by the Government. The Government law officers selected for



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appointment will be paid retainer fee and other fees as per Rules in force;

(b) the appointment can be terminated and the Government law officer is liable to be removed from the office at any time without assigning any reason, by giving one month notice or on payment of one month retainer fee in lieu of such notice;

(c) the applicant shall make no claim towards regularization of such appointment;

(d) Incomplete application shall not be entertained in any case and the right to reject the same stands reserved;

(e) if the information furnished by the applicant is found to be false at any stage, the application shall stand rejected forthwith and if found at later stage, his appointment will be terminated forthwith;

(f) this advertisement, the process and the appointment of the applicant, (if any) are governed by the provisions of the Law Officers of High Court of Madras and its Bench at Madurai (Appointment) Rules, 2017 and related provisions.”

4. As per the Rules as well as the notification, it is only a contract between the Government and the lawyers to represent the case of the Government. The relationship between a lawyer and a litigant is privileged. Lawyers represent the cases of their clients before the Court of law / judicial forum. It is not an appointment. It is an engagement / contract based on which confidentiality is maintained between the parties. The Government



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lawyers represent the cases of the Government. The Government being a larger litigant is at liberty to withdraw the Vakalat, engage any lawyer or Senior Counsel of their choice depending on the administrative decision. Therefore, appointment of law officers by the Government cannot be construed as appointment under the Service Rules. The required number of lawyers are engaged on contract basis by the Government on need basis. Senior Counsels are engaged considering the complex nature of the issues or in sensitive matters. Those are all the prerogative of the Government in its capacity as a litigant, which cannot be disputed.

5. The Hon'ble Supreme Court in the case of **Vikas Singh -vs- Union Public Service Commission (2021) 5 SCC 370** made the following observations:

44. The principle of reasonable accommodation captures the positive obligation of the State and private parties to provide additional support to persons with disabilities to facilitate their full and effective participation in society. The concept of reasonable accommodation is developed in section (H) below. For the present, suffice it to say that, for a person with disability, the constitutionally guaranteed fundamental rights to equality, the six freedoms and the right to life under [Article 21](#) will ring hollow if they are not given this additional support that helps make these rights



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real and meaningful for them. Reasonable accommodation is the instrumentality – are an obligation as a society – to enable the disabled to enjoy the constitutional guarantee of equality and non- discrimination. In this context, it would be apposite to remember Justice R M Lodha’s (as he then was) observation in [Justice Sunanda Bhandare Foundation v. Union of India](#) 12, where he stated:

“ 9...In the matters of providing relief to those who are differently abled, the approach and attitude of the executive must be liberal and relief oriented and not obstructive or lethargic...” (2018) 2 SCC 397

6. However, reservation as claimed by the appellant in an indirect manner cannot be approved by this Court and if such reservation is provided, the right of the litigant will be taken away. Right to represent the case through lawyers by the litigant is a fundamental right and Government being a litigant, has got every right to engage lawyers of their choice. The concept of appointment into Government service cannot be equated with engagement of a lawyer by the Government to represent the Government cases. Terms and conditions of appointment in Government departments and service conditions are distinct and different than that of the engagement of a lawyer to represent Government cases, which is on contractual basis.



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7. The Government has not restricted any differently abled person from submitting their application for engagement as a government lawyer. In the absence of any prohibition, the appellant herein cannot claim any reservation in an indirect manner to secure engagement as a government lawyer. Any person eligible as per the notification, is entitled to submit his application and it is the prerogative of the Government to engage lawyers to represent the Government cases before the Courts / Tribunals / Judicial Forums. The High Court in exercise of the powers of judicial review cannot issue a direction to the litigant to engage a particular lawyer by making certain reservation. Engagement of a lawyer is purely the discretion of a litigant and in order to maintain transparency in the appointment of government lawyers, rules and guidelines are issued. Service law applicable to Government employees cannot be applied for engagement of government lawyers. Therefore, any indirect form of claiming reservation under Rule 34 of the Disabilities Act is not entertainable.

8. However, there is no impediment for the appellant to submit his application whenever a notification is issued. Learned single Judge also elaborately considered the scope of grant of reservation under the Disabilities Act and dismissed the writ petition. This Court does not find any infirmity in



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the writ order impugned. Hence, the writ appeal is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

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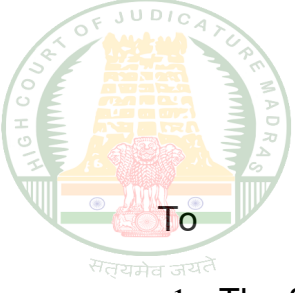
(S.M.S.,J.) (N.S.,J.)
28-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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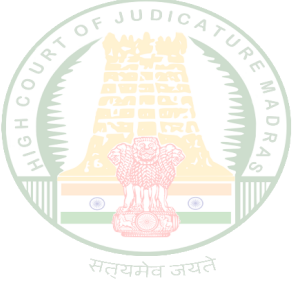


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**S.M.SUBRAMANIAM J.
AND
N.SENTHILKUMAR J.**

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