IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 6967 of 2026

Lal Gyan Ranjan Nath Shah Deo, S/o Sri Lal Chintamani Nath Shah Deo, aged about 39 years, Resident of Girwar Bhawan, Sukhdeo Nagar, Ratu Road, Ranchi, P.O. Hehal, P.S. Sukhdeo Nagar, District Ranchi, Jharkhand ... Petitioner

Versus

1. The State of Jharkhand, through the Chief Secretary, Government of Jharkhand, At- Project Building, Dhurwa, Ranchi, P.O. and P.S. Dhurwa, District Ranchi, Jharkhand
2. The Principal Secretary cum Legal Remembrancer, Department of Law, Government of Jharkhand, At- Project Building, Dhurwa, Ranchi, P.O. and P.S. Dhurwa, District Ranchi, Jharkhand
3. The Principal Secretary, Department of Personnel, Administrative Reforms and Rajbhasha, Government of Jharkhand cum Member, Search Committee, At- Project Building, Dhurwa, Ranchi, P.O. and P.S. Dhurwa, District Ranchi, Jharkhand ... Respondents

With

W.P.(PIL) No. 6148 of 2026

Rajeev Kumar Singh, S/o Ram Prasad Singh, Aged about 51 years, Resident of Sapphire Garden, Block - A, Flat No- 3A, Rama Nagar, Mukchund toli, Chutia, Near Aangan Palace, Ranchi, G.P.O, P.O. GPO, P.S. Kotwali, Ranchi, Jharkhand. ... Petitioner

Versus

1. THE STATE OF JHARKHAND, through the Chief Secretary, Government of Jharkhand, having its office situated at Project Building, Dhurwa, P.O. & P.S. Dhurwa, District -Ranchi, Jharkhand.
2. THE DEPARTMENT OF LAW (JUSTICE), Government of Jharkhand, through the Principal Secretary-cum-Legal Remembrancer, P.O. & P.S.-Dhurwa, having its office situated at Project Building, Dhurwa, Ranchi, Jharkhand.
3. THE OFFICE OF THE ADVOCATE GENERAL, State of Jharkhand, having its office at Block-2, High Court Campus, P.O. & P.S.-Dhurwa, District Ranchi, Jharkhand.
4. THE SECRETARY, Ministry of Home Affairs, Government of Jharkhand, having its office situated at Project Building, Dhurwa, P.O. & P.S. Dhurwa, District - Ranchi, Jharkhand

... Respondents

With

W.P.(Filing) No. 9721 of 2026

Young Lawyer's Association, Jharkhand High Court, a non registered Association of practising Advocates of the High Court of Jharkhand not currently, registered under the Societies Registration Act, 1860, having its office at Jharkhand High Court Campus, Dhurwa, Ranchi-834004, represented through its General Secretary, Venkatesh Kumar, S/o- Kamlesh Kumar, aged about 27 years, R/o 403-B Block, Vikramshiva Vatika, Chesiree Home Road, Bariyatu, P.O. and P.S. Bariyatu, District Ranchi, Jharkhand-834009.

... Petitioner

Versus

1. The State of Jharkhand, through the Chief Secretary, Government of Jharkhand, Project Building, Dhurwa, P.O. + P.S. - Dhurwa, District-Ranchi, Jharkhand.
2. The Principal Secretary cum Legal Remembrance, Department of Law, Government of Jharkhand, At- Project Building, Dhurwa, P.O. + P.S. Dhurwa, District- Ranchi, Jharkhand.
3. The Principal Secretary, Department of Personnel, Administrative Reforms and Rajbhasha, Government of Jharkhand cum Member, Search Committee, At- Project Building, P.O. + P.S. - Dhurwa, District-Ranchi, Jharkhand.

... Respondents

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MANOJ PRASAD

For the Petitioners: Ms. Ritu Kumar, Advocate
Mr Navin Kumar, Advocate
Mr Samavesh Bhanj Deo, Advocate
(In W.P. (C) No. 6967 of 2026)
Mr Binod Singh, Advocate
Mr Anmol Deepak, Advocate
(In W.P. (PIL) No. 6148 of 2026)
M/s. Venkatesh Kumar, Wazid Ali, Shashi Ranjan, Akhouri Sankalp, Sheyakur Rehman, Shahfaisal Khan & Bhasat Prakash, Advocates
(In W.P. (Filing) No. 9721 of 2026)

For the Resp.-State: Ms Meenakshi Arora, Sr. Advocate
(Through V.C.)
Mr Rohitashya Roy, A.G.
Mr Achyut Keshav, Sr. A.A.G.
Mr Vibhor Mayank, A.C. to A.G.
Mr Rahul Saboo, G.P.-II -

Reserved on: 05.10.2026 **Pronounced on: 27/10 /2026**

***Per* M. S. Sonak, C.J.**

1. Heard learned counsel for the parties.

2. Rule in each of these petitions. The rule is made returnable immediately, at the request of and with the consent of the learned counsel for the parties.

PRELIMINARIES

3. The learned counsel for the parties agree that this Court may dispose of these petitions by a common judgment and order, as the issues raised are identical. They further agree that W.P. (C) No. 6967 of 2026 may be treated as the lead matter.

4. The petitioner, a practising Advocate, has challenged the Jharkhand Law Officer Engagement Rules, 2026 (Annexure-1), hereinafter referred to as the 'said Rules', on the ground that they are *ultra vires* Articles 14, 19, 162, 165 and 217 of the Constitution of India and Section 30 of the Advocates' Act, 1961.

5. The petitioners have challenged Notifications dated 24.07.2026 (Annexures 3 and 4), which determine the number of Law Officers to be appointed in each specified category, abolish the post of "Associate Counsels", and, to the extent they determine the fees/monthly retainership payable to various categories of Law Officers, *inter alia,* on the ground of arbitrariness and breach of the directions issued by the Hon'ble Supreme Court in the case of ***State of Punjab & Anr. vs. Brijeshwar Singh Chahal & Anr., (2016) 6 SCC 1***.

6. In addition, the petitioners have also challenged the Notice Inviting Online Applications (Annexure-6) for the appointment of Law Officers in the office of the learned Advocate General, issued in accordance with the said Rules, on the ground that it has not been issued by the learned Advocate General himself or his office but by the Principal Secretary-cum-Legal Remembrancer, Department of Law, which degrades the office of the learned Advocate General and is an affront to the high office held by him.

PETITIONERS' CONTENTIONS

7. The learned counsel for the petitioners first contended that the Rules purport to have been enacted under the proviso to Article 309 of the Constitution of India. They submitted that Article 309 regulates the recruitment and conditions of service of persons appointed to public services and posts connected with the affairs of the Union or of any State. They further submitted that Law Officers are not employees of the State Government and that the post of Law Officer is not connected with the affairs of any State. Accordingly, they submitted that, under the proviso to Article 309 of the Constitution, the Rules could never have been framed. They submitted that, on similar grounds, the Hon'ble Patna High Court struck down similar Rules in ***Vijay Kumar Vimal v. The State of Bihar & Ors., 2018 SCC OnLine Pat 1541***.

8. Learned counsel for the petitioners submitted that the said Rules, insofar as they provide legal practice of 15 and 12 years

respectively as eligibility conditions to be considered for appointments to the posts of Senior Additional Advocate General (Sr. A.A.G.) and Additional Advocate General (A.A.G.), are *ultra vires* Articles 165(1) read with Article 217 of the Constitution.

9. They submitted that, for appointment as Advocate General or even as a Judge of any High Court, the Constitution requires only 10 years of legal practice. Therefore, they contended that, for posts much lower in the hierarchy, starting from the post of the Advocate General, the eligibility condition of more than 10 years of legal practice could never have been fixed. They submitted that, to that extent, the said Rules are *ultra vires* Article 165(1) read with Article 217 of the Constitution. They again relied on ***Vijay Kumar Vimal (Supra)***, contending that a similar Rule was struck down by the Hon'ble Patna High Court.

10. The learned counsel for the petitioners submitted that Rule 9 of the said Rules, which deals with appointments to the post of "Law Research Officers", provides that such Law Research Officers shall be engaged only to assist the Law Officers in research, drafting, etc., but that they will neither be entitled to appear in the Courts nor shall they accept engagement or act for any private party during the period of their engagement by the State. They contended that the prohibition on appearing before the Courts or practising privately violates Article 19(1)(g) of the Constitution and Section 30 of the Advocates' Act, 1961.

They further contended that a similar rule was struck down by the Hon'ble Patna High Court in ***Vijay Kumar Vimal (Supra)***.

11. Learned counsel for the petitioners challenged Rule 3(7) of the said Rules on the ground that it impinges on the autonomy of Boards, Corporations, and other authorities funded and run by the State Government. They submitted that the rule was vague and that, by executive fiat, the statutory provisions guaranteeing the autonomy of such Boards, etc., could not have been overridden. They pointed out that, in some cases, the interests of such Boards, Corporations, etc. would conflict with the interests of the State. Therefore, vesting the power to appoint lawyers in the Advocate General, or restricting the choice to a panel prepared by the State or its Advocate General, would be *ex facie* illegal, arbitrary, unreasonable, and null and void.

12. The learned counsel for the petitioners submitted that the Rules and the Advertisement inviting online applications for the posts of the Law Officers under those Rules degrade or weaken the institutional representation of the esteemed office of the learned Advocate General of Jharkhand. They submit that the Notice Inviting Online Applications should have been issued by the office of the learned Advocate General, not by the second respondent. They further submit that issuing such a notice breaches the law laid down by the Allahabad High Court in **U.P. State Law Officers Ministerial Staff Association, High Court, Allahabad and Anr. Vs. The State of U.P. & others**, ***2023:AHC: 219833-DB.***

13. Learned counsel for the petitioners submitted that the said Rules and the Notifications thereunder have reduced the strength of the Law Officers by more than 50 per cent. They point out that the posts of Senior Standing Counsel, Standing Counsel (Mines), Standing Counsel (Land and Ceiling), and Government Advocates have been abolished or substantially reduced. They also point out that the posts of "Associate Counsel" have been abolished. Against the present total working strength of 145 Law Officers and Associate Counsel, the said Rules or the Notifications issued thereunder provide for hardly 80 Law Officers. This includes 15 Law Research Officers, who are not even allowed to appear before Courts of Law. The learned counsel for the petitioners submitted that this exercise was undertaken arbitrarily, ignoring relevant considerations, including the law laid down in ***State of Punjab & Anr. Vs. Brijeshwar Singh Chahal and analogous cases, (2016) 6 SCC 1***.

14. Learned counsel for the petitioners submitted that the notification dated 24.07.2026 arbitrarily reduces the pay/monthly retainership fee and the daily appearance fee of the Law Officers. They submitted that the retainership fee of the Additional Advocate General is fixed at par with that of the Law Research Officers, who are the most junior in the category of Law Officers and require 2 to 5 years' practice to be considered for appointment to the post of Law Research Officers. He pointed out that the retainership fee for Standing Counsel,

Government Pleader, and Government Advocate is even lower than that of the Law Research Officers, who are not even allowed to appear before the Courts or accept any private briefs. He submitted that even the pay of a Legal Research Officer is less than the minimum wages of a very skilled labourer in the State of Jharkhand. For all these reasons, he submitted that the notification dated 24.07.2026 must be set aside.

RESPONDENTS' CONTENTIONS

15. Ms Meenakshi Arora, learned senior counsel, appeared with Mr Rohitashya Roy, learned A.G.; Mr Achyut Keshav, Sr. A.A.G.; Mr Rahul Saboo, learned G.P.-II; and Mr Vibhor Mayank, learned A.C. to A.G., on behalf of the State of Jharkhand, and submitted that the said rules and the impugned notifications were legal, valid, and not *ultra vires*.

16. At the outset, Ms Arora admitted that Article 309 of the Constitution would not apply to the engagement of Law Officers and the said rules relate to the exercise of executive power under Article 162 of the Constitution. She, however, submitted that mere non-mention or incorrect mention of a statutory or constitutional provision does not invalidate a legal instrument if the power otherwise exists and can be traced to a statute or the Constitution.

17. Accordingly, she submitted that the said rule cannot be struck down because of an incorrect reference to the proviso to Article 309 of the Constitution. She relied on ***State of U.P. and others***

Vs. U.P. State Law Officers Association and others, (1994) 2 SCC 204; ***M.T. Khan Vs. Government of A.P., (2004) 2 SCC 267***; and **State of Karnataka Vs. Muniyalla, (1985) 1 SCC 196,** in support of her contention.

18. Ms Arora submitted that the said rules, insofar as they provide 15 and 12 years of legal practice, respectively, as eligibility conditions for appointment to the posts of Senior Additional Advocate General (Sr. A.A.G.) and Additional Advocate General (A.A.G.), are not *ultra vires* Article 165(1) and Article 217(2)(b) of the Constitution, because they operate in different fields. She further submitted that the two articles provide only a minimum qualification, not a maximum qualification. She submitted that merely because the said rules require more than 10 years of legal practice to be considered for appointment, such requirement is in no manner violative or *ultra vires* Article 165(1) and 217(2)(b) of the Constitution.

19. Ms Arora submitted that prescribing experience in legal practice has a rational nexus with the object the said rules seek to achieve. Prescribing such qualifications is essentially a policy decision, and the scope of judicial review is minimal. She further submitted that the classification between different experience requirements for different posts is not only reasonable but also has a rational nexus with the object the said rules seek to achieve. Accordingly, she submitted that the said rules have no legal or constitutional infirmity.

20. Ms Arora submitted that Rule 9 is not *ultra vires* Section 30 of the Advocates Act, 1961. She submitted that the bar on appearing before Courts or accepting private briefs is co-extensive with a voluntary paid retainer. She submitted that the enrolment of a Legal Researcher is not cancelled, and accordingly the right under Section 30 is not withdrawn. On disengagement, the Legal Researcher can resume practice as before. She submitted that the requisition considered by the Hon'ble Patna High Court in the case of **Vijay Kumar Vimal (Supra)** was quite different. She submitted that there was no violation of Article 19(1)(g) read with Article 19(6) of the Constitution, and she cited **Modern Dental College and Research Centre Vs State of M.P. (2016) 7 SCC 353** to support her contention.

21. Ms Arora submitted that the bar applies to Legal Researchers practising before Courts and operates only during their engagement. The object of the bar is to secure unconflicted assistance to the State. Rule 7 already imposes analogous discipline on arguing Law Officers, who are prohibited from accepting any private criminal briefs or professional engagements adverse to the State's interest. Accordingly, she submitted that no unconstitutionality or conflict with Section 30 of the Advocates Act, 1961, was involved.

22. Ms Arora submitted that determining the strength of the cadre is primarily a policy matter, and the scope of judicial review ought to be minimal. She further submitted that, in such matters, the

State ought to be given free play in the joints. In any event, she submitted that the exercise suggested in ***Brijeshwar Singh Chahal*** **(supra)** regarding the assessment of workload and other parameters was duly undertaken by the State. The rules provide for Committees to undertake such an exercise. The Committees make such an assessment in consultation with the Advocate General. Accordingly, the State did not breach the guidelines prescribed in ***Brijeshwar Singh Chahal*** **(supra)**.

23. Ms Arora submitted that the petitioners challenged the State's policy decisions and that the policy embodied in the said rules was neither arbitrary nor unreasonable. She relied on **State of U.P. and others vs U.P. State Law Officers Association and others, (1994) 2 SCC 204,** where the Government's abolition of the brief holders' scheme and its appointment of special counsel for special cases in its place were approved.

24. Ms Arora submitted that the office or position of the learned Advocate General was in no manner compromised by the said Rules or the fact that notice inviting online applications for filling up the posts of Law Officers was not issued from the office of the learned Advocate General. She pointed out that, under the said rules, the learned Advocate General was involved in the selection process.

25. Ms Arora submitted that the notification dated 24.07.2026 providing for fee revisions is also a matter of economic policy coupled with other relevant considerations. She submitted that nothing in the fee structure prescribed by the said rules or the

notification dated 24.07.2026 was arbitrary or unreasonable. She submitted that it was also proper to clarify that an adjournment should not be regarded as an appearance. She submitted that, based on its experience, the State has formulated the fee structure, and there was no scope to interfere with it.

26. Ms Arora pointed out that, under the impugned notifications, the arguing Law Officer is allowed Rs 7000/- per month to engage an Advocate's Clerk. Further, financial incentives are provided for every 25 reported judgments in six months. Travel and accommodation for Law Officers appearing before the Hon'ble Supreme Court for Courts outside the State of Jharkhand continue as a gesture of goodwill. This entire exercise is consistent with what was set out in ***Brijeshwar Singh Chahal*** (supra).

27. Ms Arora submitted that Rule 3(7) is merely a coordination mechanism between the State and the entities it creates or funds. She submitted that the Government could control the Boards, Corporation, and other authorities it funds regarding the engagement of lawyers and the payment of fees. She submitted that vesting such powers in the State Government was neither arbitrary nor unreasonable. She submitted that Rule 7(3), read with Rule 13 of the said rules, adequately addresses situations in which the interests of Boards, Corporations, etc. might conflict with the interests of the State Government. She submitted that no actual instance of conflict was pointed out.

Accordingly, she submitted that the challenge is merely academic and should not be considered in these petitions.

28. Ms Arora submitted that the Hon'ble Supreme Court has explained the nature of the appointment of Law Officers in its various decisions. She submitted that Law Officers are not Government employees or Government servants. She submitted that, since such appointments are professional engagements, the State is at liberty to formulate the eligibility criteria. She submitted that prescribing the eligibility criteria was not arbitrary and that the selection process was fair and transparent. She submitted that under these circumstances no relief should be granted to the petitioners.

29. Ms Arora submitted that some of the petitioners are not even practising Advocates. She further submitted that no pleadings show that any of the petitioners applied for the advertised posts of Law Officers. Accordingly, she submitted that the petitioners lack *locus standi* to maintain these petitions and that the petitions should be dismissed on that ground.

30. Finally, Ms Arora submitted that the Constitution presumes validity and that the petitioners bear the burden of establishing that the said rules are *ultra vires* and unconstitutional. She submitted that the said rules constitute a transparent scheme which would not promote any ad hocism. Therefore, she urged that these petitions be dismissed.

EVALUATION OF RIVAL CONTENTIONS

31. The rival contentions now fall for our determination.

32. Since the petitioners have challenged the validity of the said Rules, scanned copies of the Notification dated 25th June 2026 (containing the said Rules), the Notifications dated 24th July 2026, and the Notice Inviting Online Applications for engagement as Law Officers are appended to this judgment as Annexure-I, Annexure-II, Annexure-III, and Annexure-IV, respectively, for the ease of reference. All the annexures shall form an integral part and parcel of this judgment and order.

33. Before evaluating the challenges to the Rules, we believe that the grounds raised by the petitioners to challenge the impugned Rules and Notifications must be tested primarily against two fundamental issues, namely, first, the intrinsic legal nature of the State's engagement of a lawyer, and second, the recognised contours and limits of this Court's power of judicial review in matters pertaining to such professional engagements. In addition, we must address the constitutional challenges posed by the petitioners.

NATURE OF ENGAGEMENT OF STATE LAW OFFICERS

34. Accordingly, this Court must first consider the nature of engagement of the various categories of Law Officers referred to in Rule 3 of the said Rules.

35. Rule 3(6) of the said Rules provides that the Government shall be the engaging authority for Law Officers belonging to the various categories of posts under the said Rules, and such Law

Officers shall hold those posts during the pleasure of the Government.

36. The nature of the engagement of State law officers, such as those in these petitions, is no longer *res integra*. In **U.P. State Law Officers Association (supra),** the Hon'ble Supreme Court, *inter alia*, considered the important question of the status of Law Officers engaged by the State Government to conduct cases on its behalf in the High Court. It also considered questions bearing on the profession of the lawyer, his relationship with his client, and, by extension, the relationship of the Government, and, by extension, all public bodies that engage lawyers to conduct their matters.

37. The Hon'ble Supreme Court held that these are predominantly professional contractual engagements between a professional and a client for a specified or unspecified period. Although some contracts may prohibit lawyers from accepting private briefs, that does not transform a professional engagement into employment. A lawyer of the Government or a public body is not an employee but a professional practitioner engaged to perform the specified work. This remains true today, even though lawyers on the full-time rolls of the Government and public bodies are described as their law officers. For this reason, in the case of such law officers, the saving clause of Rule 49 of the Bar Council of India Rules waives the prohibition on a lawyer accepting full-time employment.

38. The Hon’ble Supreme Court further held that the relationship between the lawyer and his client is one of trust and confidence. The client engages a lawyer for personal reasons and is at liberty to leave him for the same reasons. He is under no obligation to give reasons for withdrawing his brief from his lawyer. The lawyer, in turn, is not an agent of his client but his dignified, responsible spokesman. He is not bound to tell the court every fact or to urge every proposition of law which his client wants him to do, however irrelevant it may be. He is essentially an adviser to his client and is rightly called a counsel in some jurisdictions. Once acquainted with the facts of the case, it is the lawyer's discretion to choose the facts and the points of law which he would advance. As a responsible officer of the court and an important adjunct of the administration of justice, the lawyer also owes duties to the court and to the opposite side. He must be fair to ensure justice is done. He demeans himself if he acts merely as a mouthpiece of his client. This relationship between the lawyer and the private client applies equally to his relationship with public bodies.

39. Noting that the public sector has grown considerably over the years, and with its expansion, the number of lawyers engaged in the public sector has increased so much that it can truly be said that there is now a public sector in the legal profession as well. The Hon'ble Supreme Court further held that the expansion of public sector activities has necessitated maintaining a permanent panel of lawyers. Some lawyers are

also employed full-time by public institutions as law officers. The profile of the legal profession has thus changed.

40. The Hon'ble Supreme Court further held that the Government or the public body represents public interests, and whoever oversees its affairs is no more than a trustee or custodian of those interests. Protecting public interests to the maximum extent and in the best possible manner is its primary duty. Public bodies are therefore under an obligation to society to take the best possible steps to safeguard public interests. This obligation requires them to engage the most competent servants, agents, advisers, spokesmen, and representatives to conduct their affairs. Hence, in selecting their lawyers, they must make earnest efforts to find the best available at the time. This is especially so because claims by and against public bodies are generally substantial in monetary terms and socially crucial, with far-reaching consequences.

41. Regarding the appointment of lawyers to public bodies, the Hon'ble Supreme Court held that the mode of appointment must conform to the obligation to select the most meritorious. An open invitation to lawyers to compete for the posts is by far the best method of selection. But sometimes the best may not compete, or a competent candidate may not be among the competitors. In such circumstances, public bodies may resort to other methods, such as inviting and appointing the best available, even if he has not applied for the post. Whatever method is adopted, it must be shown that the search for the

meritorious was undertaken and that appointments were made solely on merit, not for any other consideration.

42. In **State of U.P. and another vs Johri Mal, AIR 2004 SC 3800,** the Hon'ble Supreme Court held that only when good and competent counsel are appointed by the State can the public interest be safeguarded. Good administration of justice is imperative and, in turn, directly affects the sustenance of democracy. Thus, no appointments of public prosecutors or district counsel should be made either to pursue a political purpose or to confer an undue advantage on a section of the people. The State's retention of its counsel must be weighed against the public interest.

43. Thus, when evaluating the challenges raised to the rules governing the State's engagement of law officers, the intrinsic nature of such engagements cannot be lost sight of. Such engagements are predominantly professional contractual arrangements between a professional and a client for a specified or unspecified period. Although some contracts may prohibit lawyers from accepting private briefs, that does not transform a professional engagement into employment. A lawyer of the Government or a public body is not an employee but a professional practitioner engaged to perform the specified work. The relationship between the lawyer and his client is one of trust and confidence. This relationship between the lawyer and the private client applies equally to his relationship with public bodies.

44. However, because the Government or public body represents public interests, and whoever oversees its affairs is no more than a trustee or custodian of those interests, this obligation requires it to engage the most competent servants, agents, advisers, spokesmen, and representatives to conduct its affairs. Hence, in selecting their lawyers, they must make earnest efforts to find the best available at the time. Whatever method is adopted for such engagements, it must be shown that the search for the meritorious was undertaken and that appointments were made solely on merit, not for any other consideration.

SCOPE AND CONTOURS OF JUDICIAL REVIEW IN MATTERS OF PROFESSIONAL ENGAGEMENT AND POLICY

45. Further, to evaluate the challenges raised against the rules governing the State's engagement of law officers, the scope of judicial review, both generally and in the context of such professional and contractual engagements, also needs to be appreciated.

46. The general principle is that judicial review predominantly concerns not the decision itself but the decision-making process.

47. In **Tata Cellular v. Union of India, reported in (1994) 6 SCC 651,** the Court held that it does not sit as an appellate court over administrative decisions, and that its role is confined to examining the manner in which the decision was taken, not the merits of the decision itself. An administrative decision may be

tested on the grounds of illegality, irrationality and procedural impropriety. This formulation derives from **Council of Civil Service Unions v. Minister for the Civil Service, [1985] AC 374**, and the principle of unreasonableness from **Associated Provincial Picture Houses Ltd. v. Wednesbury Corporation, [1948] 1 KB 223.**

48. In the context of judicial review of the State's engagements or appointments of law officers, the Hon'ble Supreme Court reiterated in **Johri Mal (Supra)** that engaging lawyers, even by the State, is a professional engagement, and that courts are normally chary of overturning any decision unless an exceptional case is made out. The question of whether the State is satisfied with the performance of its counsel is primarily a matter between the State and its counsel.

49. The Hon'ble Supreme Court held that the choice rests with the Government and that no one can claim a right to appointment, as the position is one of great trust and confidence. The Court may intervene where the State fails to discharge its public duty or acts in defiance of the principles of law. It may also intervene where the legal policy laid down for such appointments is departed from, or where mandatory provisions of law are not complied with.

50. The Hon'ble Supreme Court cautioned that the power of judicial review "*is not intended to assume a supervisory role or don the robes of the omnipresent*". It was held that courts do not sit in appeal over the decisions of administrative bodies, and that a

mere wrong decision, without anything more, is not enough to attract judicial review. It was further held that the Court shall not ordinarily interfere with a policy decision of the State. It also observed that the modern trend points to judicial restraint in administrative action and that the court is more concerned with the decision-making process than with the merit of the decision.

51. The same restraint applies to policy matters, particularly when policy is said to be reflected in statutory rules or even executive instructions. In **Michigan Rubber (India) Ltd. v. State of Karnataka, (2012) 8 SCC 216**, and **Balco Employees' Union v. Union of India, (2002) 2 SCC 333**, the Hon'ble Supreme Court held that *courts do not examine the wisdom or soundness of an executive policy. Courts intervene only where the policy is shown to be arbitrary, discriminatory, mala fide, or contrary to a constitutional or statutory provision*. The same principle is reflected in the observations in the cases of **Zahoor Ahmad Rather v. Sheikh Imtiyaz Ahmad, (2019) 2 SCC 404, Unnikrishnan C.V. v. Union of India, (2023) 18 SCC 546, Shifana P.S. v. State of Kerala, (2024) 8 SCC 309,** and, more recently, **Santosh B. Naik v. State of Goa, 2026 INSC 1089.**

52. Therefore, when evaluating challenges to the said rules or the impugned notifications, we must be guided by the Hon'ble Supreme Court's decisions on the nature of State law officers' engagements and the scope of judicial review in such matters.

REFERENCE TO ARTICLE 309 AS THE SOURCE OF POWER: WHETHER FATAL?

53. The first challenge rests on the fact that the Rules state they were framed under the proviso to Article 309 of the Constitution of India. The Law Officers the State Government proposes to engage under the Rules are neither employees of the State Government nor, strictly speaking, will they hold any posts connected with the affairs of the State.

54. The petitioners are therefore justified in contending that the reference to the exercise of powers under the proviso to Article 309 of the Constitution is an obvious error. In **M.T. Khan (supra),** the Hon'ble Supreme Court held that the Rules governing the appointment of Additional Advocate Generals derive from the State's power under Article 162 of the Constitution. This, of course, is in the absence of any legislation to that effect. Such lawyers or Law Officers, even if some are designated as Additional Advocate Generals, are not authorised to perform any constitutional or statutory functions, since their appointments are an exercise of the State's executive power, not its constitutional power.

55. The State Government acknowledged this error in its counter-affidavit, stating that the said Rules for engagement of various categories of Law Officers draw their authority from Article 162 of the Constitution, which deals with the extent of the State's executive power. Considering the said Rules for engagement of various categories of law officers by the State, we are satisfied

that the source of the State's power to enact the said Rules can be traced to Article 162 of the Constitution and not to the proviso to Article 309 of the Constitution.

56. However, the question is whether the said Rules can be struck down because they refer to the proviso to Article 309 of the Constitution as their source of power. Though referring to the proviso to Article 309 of the Constitution as the source of power for making the said Rules is obviously erroneous, in our judgment, such an error is not a sufficient ground to strike down the said Rules as ultra vires or otherwise legally untenable or impermissible. Once it is held that the said Rules derive their authority from Article 162 of the Constitution, the omission to refer to Article 162, or the error in referring to the proviso to Article 309, cannot be a sufficient ground for striking down the said Rules.

57. In **M.T. Khan (supra),** the Hon'ble Supreme Court observed that it is now a well-settled principle of law that an order is not invalidated by the non-mention or incorrect mention of a provision of law, provided the power exists. In **State of Karnataka v. Krishnaji Shrinivas Kulkarni, (1994) 2 SCC 558**, the Hon'ble Supreme Court held that quoting the wrong provision does not divest jurisdiction, provided the source of the sub-jurisdiction can be traced to another legal provision that may not have been referred to. In **Union of India vs Tulsiram Patel, (1985) 3 SCC 398**, the Constitution Bench of the Hon'ble Supreme Court held that mentioning the wrong provision, or

omitting the provision that confers the power, will not invalidate an order where the source of the power exists.

58. Therefore, solely on the ground that the said Rules refer to the proviso to Article 309 of the Constitution as their source of power, or because there is no reference to the actual source of power, i.e., Article 162 of the Constitution, the said Rules cannot be declared ultra vires or struck down.

59. The position before the Hon'ble Patna High Court in the case of **Vijay Kumar Vimal (supra)**, was slightly different. There, the State of Bihar, after acknowledging that reference to Article 309 in the Rules for engaging Law Officers was erroneous, filed a supplementary affidavit stating that the Rule could be rectified as enacted under the proviso to Article 309 read with Article 162 of the Constitution. Accordingly, directions were issued to rectify the said Rules as proposed by the State itself. The issues of whether the omission to state the correct provision, or the effect of mentioning a wrong provision, were never decided.

60. In any event, having regard to the law laid down by the Hon'ble Supreme Court in several of its decisions referred to above, we are satisfied that the said Rules cannot be struck down solely on the ground that they purport to derive their authority from the proviso to Article 309 of the Constitution, or because they do not refer to the actual source of authority for enacting such Rules, i.e. Article 162 of the Constitution. The first challenge to the said rules, therefore, fails.

WHETHER RULE 6 OF THE RULES CONTRAVENES ARTICLES 165 AND 217 OF THE CONSTITUTION OF INDIA?

61. The next challenge is directed against Rule 6 of the said Rules to the extent it provides for the requirement of legal practice of not less than 15 years or designation of a Senior Advocate of the Hon'ble Supreme Court or any High Court for appointment as Senior Additional Advocate General and Additional Advocate General; legal practice of not less than 20 years or designation as Senior Advocate of the Hon'ble Supreme Court or any High Court for appointment as Senior Additional Advocate General and Additional Advocate General for the Hon'ble Supreme Court; legal practice of not less than 15 years in the Hon'ble Supreme Court for appointment as a Standing Counsel in the Hon'ble Supreme Court of India; legal practice of not less than 12 years for being appointed as a Standing Counsel for the Jharkhand High Court and legal practice of not less than 20 years for being appointed as an arguing counsel in the Hon'ble Supreme Court of India.

62. The argument is that, when Article 165(1), read with Article 217 of the Constitution, requires only 10 years of legal practice for appointment as an Advocate General of the State or even as a Judge of the High Court, the Rule providing for more than 10 years of legal practice for appointment to the various posts of Law Officers would be ultra vires and manifestly arbitrary.

63. Again, on this ground, Rule 6 is not liable to be struck down. Unlike the posts of Advocate General or Attorney General, the

posts the said Rules govern are not constitutional posts. They are only professional engagements, made by exercising powers under Article 162 of the Constitution, which deals with the State's executive powers as a post-constitutional power. Therefore, the State's requirement of more than 10 years of legal practice as an eligibility condition for engagement as Standing Counsel or Senior Additional Advocate General is neither arbitrary nor unconstitutional. [See **M.T. Khan (supra)]**

64. Once it is accepted that the nature of the posts of Standing Counsel or Additional Advocate General, etc. is in the nature of a professional engagement and the holders of such posts are not employees of the Government or Government servants, there is nothing wrong or manifestly arbitrary in the State prescribing legal practice of more than 10 years as one of the eligibility conditions for such engagement.

65. The State Government's prescription of qualifications or eligibility conditions falls squarely within its policy domain when proposing to engage various categories of Law Officers. Therefore, if such requirements are not manifestly arbitrary or entirely unrelated to the proposed appointment or engagement, the scope of judicial review by Courts would be minimal.

66. In ***J. Rangaswami v. Government of Andhra Pradesh (1990) 1 SCC 288,*** the Hon'ble Supreme Court held that it is not for the Courts to evaluate the qualifications prescribed for a post, to assess the comparative merits of one qualification against another, or to issue directions as to what those qualifications

ought to be. Similarly, in ***Chief Manager, Punjab National Bank v. Amit Kumar Das, (2021) 12 SCC 80,*** the Hon'ble Supreme Court held that the employer must determine the relevance and suitability of qualifications for any post and be accorded greater latitude in prescribing them. The Courts are not fit instruments to gauge the experience or utility of such prescriptions unless, of course, the employers act arbitrarily or fancifully.

67. Moreover, in **U.P. State Law Officers Association (supra), Johri Mal (supra)**, and **State of U.P. v. Ajay Kumar Sharma (2016) 15 SCC 289**, the Hon'ble Supreme Court reiterated that the engagement of a lawyer by the State or a public body is purely contractual and based on mutual trust and confidence. The State, like any private litigant, retains the freedom to select or discharge counsel in whom it reposes trust, subject only to the constitutional imperative that its choice is not arbitrary and does not defeat the administration of justice.

68. Besides, neither Article 165 (1) nor Article 217 of the Constitution provides that 10 years' legal practice is the maximum period that can be prescribed for appointment as an Advocate General or a Judge of a High Court. These Articles only prescribe a minimum of 10 years' legal practice before a person can be appointed as an Advocate General of a State or a Judge of a High Court. The petitioner's argument rests on the premise that the two Articles set a ceiling of 10 years' practice and that the State, therefore, cannot insist on more than 10

years' legal practice if it wishes to appoint any Additional Advocate Generals, Standing Counsels or other categories of Law Officers. We believe this is yet another fallacy in the petitioner's contention.

69. In this case, the Rules set out graded requirements for legal practice, depending on the category of Law Officers. For example, a Senior Advocate General or an Additional Advocate General must have 15 years' practice or have been designated a Senior Advocate by the Hon'ble Supreme Court or any High Court. At the Supreme Court level, the requirement is at least 20 years' legal practice. The extent of legal practice obviously has a nexus with the State's engagement of various categories of Law Officers.

70. Given that the scope of judicial review in such matters is minimal, as discussed hereinabove, and that the graded practice prescribed has a rational nexus with the nature and objective of engaging various categories of Law Officers by the State, we are unable to accept the contention that Rule 6 of the said Rules is *ultra vires* or unconstitutional simply because it requires more than 10 years of legal practice for the engagement of some of the categories of Law Officers referred to therein.

71. Further, with respect, we do not read the judgment of the Hon'ble Patna High Court in the case of **Vijay Kumar Vimal (supra)** as laying down a blanket proposition that, because the constitutional requirement for appointment as an Advocate

General or a Judge of the High Court is 10 years' legal practice, the State cannot prescribe a requirement of more than 10 years' legal practice for the engagement of Additional Advocate Generals, Standing Counsels, Government Advocates, etc. That does not appear to be the import of the decision cited by the Petitioners.

72. However, if, as the petitioners insist, the Hon'ble Patna High Court's decision is to be construed as laying down such a blanket proposition, we, with respect, disagree with that construction.

WHETHER RULE 9 OF THE RULES VIOLATES ARTICLE 19(1)(G) OF THE CONSTITUTION AND SECTION 30 OF THE ADVOCATES ACT, 1961?

73. The next challenge concerns Rule 9 of the said Rules, which places an embargo on Law Research Officers appearing before Courts of Law and further stipulates that Law Research Officers shall neither accept briefs nor act on behalf of any private party during the currency of their engagement. It is argued that this restriction violates Art. 19(1)(g) of the Constitution and S. 30 of the Advocates Act, 1961.

74. Again, under the said Rules, a Law Research Officer is engaged primarily to assist Law Officers with legal research and drafting in matters in which the State is a party or otherwise interested. In that capacity, such an officer is privy to the State's sensitive and confidential files, notes, and litigation briefs, and works closely with the Advocate General and other Law Officers discharging constitutional and statutory functions.

75. If the State perceives that a practitioner who remains at liberty to simultaneously accept private briefs cannot be expected to maintain the undivided loyalty and absolute confidentiality that such an engagement inexorably demands, we do not think that there is anything arbitrary or unreasonable in such a perception. The State, as a litigant, is entitled to reasonably expect that the Law Research Officers it engages would devote their time and energies to assisting the Law Officers in legal research, drafting, etc. (except appearances in courts). The question is not whether the petitioners or, for that matter, this Court agrees with such a perception. The focus must be on whether, under the circumstances, the perception entertained by the State is irrational or arbitrary. Since no such case is made out, we do not accept or uphold the challenge.

76. Furthermore, such a restrictive covenant is by no means novel or peculiar to this State. Analogous provisions govern Law Officers across diverse jurisdictions, as exemplified by Rule 8(1)(a) of the Law Officers (Conditions of Service) Rules, 1987, and Rule 14 of the Andhra Pradesh Law Officers (Appointment and Conditions of Service) Rules, 1999, as well as the standard terms under which public sector undertakings retain standing counsel.

77. Moreover, identical conditions are likewise embodied in the schemes under which the Hon'ble Supreme Court and various High Courts engage Law Researchers, including the Scheme governing Law Researchers in this Court, which explicitly

debars a Law Researcher from practising as an advocate or accepting any other professional assignment during the tenure of engagement. All such regulatory restrictions stem from a single public policy rationale: a person entrusted with sensitive and confidential legal work for a public authority must assist in public litigation without the distraction, or even the semblance, of a conflicting private brief.

78. Crucially, Rule 9 does not operate as an absolute prohibition on practising the legal profession *per se*; rather, it is merely a condition precedent to a specific professional engagement, which an advocate remains entirely free to accept or decline. Having voluntarily accepted the engagement along with the honorarium attached thereto, the appointee is bound "*ex contractu*" by its terms. Even on the anvil of Article 19(1)(g) of the Constitution of India, the impugned condition is a reasonable restriction saved by Article 19(6), necessary to safeguard the confidentiality of the State's legal work and avert conflicts of interest.

79. Ms Arora, learned Senior Advocate for the State, submitted that the embargo or the bar imposed by Rule 9 is co-extensive with a voluntary, paid retainer. She submitted that on being engaged as a Law Research Officer, the lawyer's enrolment is not cancelled. The right under Section 30 of the Advocates Act, 1961 is not withdrawn. On disengagement, the Advocate practices as before.

80. In **U.P. State Law Officers Association (supra)**, the Hon'ble Supreme Court clarified that the Government or public bodies' engagement of lawyers is purely contractual and professional, not an employment relationship. Even when Law Officers are engaged full-time or restricted from accepting private briefs, they remain professional practitioners, not employees. Accordingly, the saving clause in Rule 49 of the Bar Council of India Rules exempts such Law Officers from the general prohibition against advocates taking up full-time employment.

81. Ms Arora also pointed out that the applicant for the position of Law Research Officer applies or is expected to apply after having full notice of the requirements in Rule 9. Note-I to the application form deems the applicant to have read the said Rules. The argument based on Article 19(1)(g) read with Article 19(6) also does not stand.

82. Applying the fourfold test laid down by the Hon'ble Supreme Court in **Modern Dental College and Research Centre (supra)**, we note that the legitimate aim of the restriction/embargo is to secure exclusive attention to State Research and Drafting, coupled with the absence of a competing private brand during the period of engagement when the Law Research Officer is paid from the public exchequer. The rational connection is that a Law Research Officer whose work is mainly desk-based is served by a clean and unambiguous bar. A partial or unambiguous bar would not redress the conflict that Rule 9 was enacted to prevent.

83. On the aspect of necessity, we cannot say that the bar or the embargo is not wider than the engagement. Firstly, the Advocate need not accept the position of a Law Research Officer. Secondly, the State's perception is not unreasonable that lesser restrictive alternatives would not secure undivided research time, which is the object of enacting such a Rule. Finally, on the aspect of balance, we note that this is a temporary condition of voluntary engagement, against the State's interest of securing unconflicted assistance. Rule 7 of the said Rules imposes analogous discipline on arguing Law Officers. Such arguing Law Officers cannot accept private criminal briefs or appear in matters adverse to the interest of the State.

84. In **Vijay Kumar Vimal (supra),** the Hon'ble Patna High Court considered a Rule that engaged assisting counsel and then forbade them from arguing for the Government independently after the pleadings were complete. In that context, the Patna High Court found the Rule unreasonable and struck it down. Under the said rules, a Law Research Officer is not engaged to appear for the Government or others. The exclusion of appearance is part of the definition of the post, not a disability in Court for an arguing counsel. This post exists or has been created so that arguing Law Officers are not dependent on an unregulated pool of associate counsel.

85. For the above reasons, we do not find sufficient grounds to strike down Rule 9 of the said Rules on the ground of violation of Article 19(1)(g) or Section 30 of the Advocates Act, 1961.

CONSTITUTIONALITY OF RULE 3(7) OF THE RULES?

86. The next challenge concerns Rule 3(7) of the said Rules. This provides that the engagement of counsel to represent the Boards, Corporations, and other authorities funded and run by the funds of the State Government before the Courts and Tribunals in the State of Jharkhand and elsewhere shall be made on a case-to-case basis by the Advocate General only.

87. Further, such engagement shall be from the panel of Law Officers engaged by the State in terms of the said Rules, after taking into consideration the recommendation, if any, of the Law Department of the concerned Board, Corporations and other authorities. In addition, the payment of such remuneration for such counsel shall not exceed the fee paid in terms of Rule 12 and shall be commensurate with the fee paid to Law Officers having similar qualifications.

88. Rule 3(7) also provides that, for non-litigational assignments, the Law Department of the Boards, Corporations and other authorities funded and run by the State Government shall engage counsel only from the panel of Law Officers engaged by the State under these Rules, on a case-by-case basis. The remuneration for such counsel shall not exceed the fee paid under Rule 12 and shall be commensurate with the fee paid to the Law Officers with similar qualifications. Further, these Rules

provide that there shall be no retained counsel for such bodies "*in during department of State Government".*

89. The Boards, Corporations and other authorities funded and run by the funds of the State Government are usually statutory Boards or statutory Corporations, which are governed by the statutes under which they are established and operated. The expression "*other authorities*" in Rule 3(7) is not defined under the said Rules. Therefore, it would include cooperative or other societies funded by the State or run by State Government funds. It would also include local self-government bodies such as Municipal Corporations, Municipal Councils, Nagar Panchayats, Village Panchayats, etc., because it could be argued that they also receive funds from the State Government.

90. Normally, in the case of statutory corporations, the statute under which such corporation is established provides for a governing body or board of directors to govern its affairs. The same applies to government companies and bodies such as municipal corporations, municipal councils, and panchayats.

91. Now that it is admitted that the said Rules are nothing but an exercise undertaken under Article 162 of the Constitution, i.e., that they are only executive instructions, we wonder how such executive instructions can impose any fetters on the Boards, Corporations and other authorities when it comes to engaging counsel to represent them before Courts and Tribunals.

92. For instance, assuming that Rule 3(7) is intended to apply to Municipal Corporations, reference can be usefully made to

Section 523 of the Jharkhand Municipal Act, 2011, which, *inter alia,* provides that the Municipal Commissioner or the executive officer may obtain, for any of the purposes mentioned in the foregoing provisions of this Section, or to secure the lawful exercise or discharge of any power or duty vested in, or imposed upon, any Municipal Authority or any officer or other employee of the municipality, such legal advice and assistance as he may, from time to time, consider necessary or expedient, or as he may be required by the counsel or the standing committee to obtain.

93. This statutory power conferred upon the Municipal Commissioner or the Executive Officer cannot be whittled down by a mere executive instruction issued by the State Government. Further, there may be instances where the interests of such Boards, Corporations and authorities would conflict with the interests of the State Government. To insist that the Boards, Corporations and other authorities nevertheless engage counsel chosen by the Advocate General, and that too from the panel of Law Officers engaged by the State under the said Rules, would, in our opinion, be arbitrary and unreasonable. Similarly, preventing such Boards, Corporations and other authorities from retaining any counsel by executive fiat would also be, *ex facie,* arbitrary and unreasonable.

94. If the State Government, by virtue of its funding, has a majority control over the governing bodies of such Boards, Corporations or other authorities, and those governing bodies themselves

resolve to engage counsel proposed by the Advocate General from the panel of Law Officers engaged by the State, that would perhaps not be objectionable, because it would then be the decision of the governing body of such Boards, Corporations or other authorities. However, by means of an executive fiat, for the State to insist that the choice of the governing bodies of such Boards, Corporations and other authorities would be curtailed and that the Boards, Corporations and other authorities would have no option other than to engage counsel proposed by the Advocate General from the panel of Law Officers engaged by the State would, in our opinion, be arbitrary and unreasonable.

95. Besides, executive instructions or rules framed under Article 162 of the Constitution must yield to statutory or constitutional provisions. Therefore, if any statute empowers the Boards, Corporations and other authorities to engage counsel of their choice to represent them before Courts and Tribunals, then this statutory power cannot be nullified or even diluted by the said Rule, which the State Government admits is only executive in nature.

96. Additionally, we find that Rule 3(7) suffers from several ambiguities, and its scope and application are unclear. The expression "*Boards, Corporations and other authorities*" admits several interpretations. Similarly, the expression "*funded and run by the funds of the State Government*" is also ambiguous and admits of different interpretations. The last sentence of

Rule 3(7), which provides that "*there shall be no retained counsel for such bodies in the department of the State Government"* is utterly incomprehensible and vague.

97. For the above reasons, Rule 3(7) attracts the *doctrine of vagueness (or "void for vagueness")*, a well-settled principle of Indian constitutional law and an integral facet of Article 14. It is a fundamental canon of constitutional jurisprudence that a statutory provision or subordinate legislation is liable to be struck down if its language is so inherently ambiguous or uncertain that it fails to provide fair notice or guidance to those subject to it, while simultaneously vesting uncanalised discretion in the administrative authority, thereby inviting arbitrary and discriminatory enforcement.

98. The genesis of this principle is traceable to **State of Madhya Pradesh v. Baldeo Prasad, AIR 1961 SC 293**, wherein the Hon'ble Supreme Court invalidated the operative provisions of the Central Provinces and Berar Goondas Act, 1946, on the ground that the definition of the expression "goonda" lacked any intelligible test, thereby casting the implementing authorities into a boundless sea of uncertainty.

99. This principle was authoritatively affirmed by a Constitution Bench of the Hon'ble SC in **K.A. Abbas v. Union of India, (1970) 2 SCC 780**, which held that where a law admits of no reasonable construction consistent with legislative intent, leaving those who apply it in uncertainty while prima facie encroaching upon guaranteed rights, the provision must be held

to offend the Constitution, as the invalidity springs from the inherent probability of misuse.

100. This doctrine was subsequently reiterated in **Kartar Singh v. State of Punjab, (1994) 3 SCC 569**, and decisively applied in the seminal ruling of **Shreya Singhal v. Union of India, (2015) 5 SCC 1**, to strike down Section 66A of the Information Technology Act, 2000, on the primary ground that statutory expressions such as “grossly offensive” and “annoying” provided no objective or manageable standard either for the citizen or for the enforcement agencies.

101. Mrs Arora’s arguments that Rules 7(3) and 13 address the issues raised by the petitioners cannot be accepted. Rule 7(3) provides that Law Officers shall not appear for, or give legal advice to, private persons, or in matters where the person's interests are likely to be adverse to the Government or its officials. This Rule has nothing to do with the issue at hand, namely, interference with the choice of Boards, Corporation and other authorities to engage counsel of their own choice.

102. Similarly, Rule 13 of the said Rules, which begins with a non obstante clause, confers discretion upon the Advocate General to engage any Advocate for the Government as a special public prosecutor or a special counsel who is not a Law Officer under the said Rules in cases involving important issues for the Government, especially revenue or in the public interest. Again, even this Rule does not address the issue of the autonomy of

Boards, Corporations and other authorities to engage counsel of their own choice.

103. Based upon such a vague and ambiguous Rule, and without indicating any source of power under which such sweeping directions can be issued to Boards, Corporations and other authorities, the said Rule cannot be permitted to deprive Boards, Corporations and other authorities of the choice to engage counsel of their own choice and to pay to them the fees as such Boards, Corporations and other authorities may deem appropriate.

104. Ms Arora argued that, because the Boards, Corporations and other authorities to which Rule 3(7) applies are funded by the Government, the Government has a legitimate interest in ensuring that such funds are not misappropriated by the Boards, Corporations and other authorities through the engagement of several Advocates or by making exorbitant payments to such Advocates.

105. If this is the apprehension, then surely there are powers conferred upon the Government to take action against the governing bodies of such Boards, Corporations and other authorities under the statutes that have created such Boards, Corporations and other authorities, or under the statutes that empower the Government to exercise some control over such Boards, Corporations and other authorities. By mere executive fiat, the Government cannot impose such restrictions on the

Boards, Corporations and other authorities merely because they might be funded or run out of State Government funds.

106. Accordingly, for the reasons set out above, we are satisfied that Rule 3(7) is manifestly arbitrary, incurably vague, and violative of Article 14 of the Constitution and deserves to be struck down. However, we also find that the provision operates as an independent, standalone mechanism. Therefore, such striking down of the severable portion would not affect the constitutional validity of the remaining provisions of the said rules.

107. Applying the doctrine of severability, its invalidation does not impair or disrupt the remaining framework of the impugned Rules. Rule 3(7) is, therefore, clearly severable. Consequently, we strike down Rule 3(7) of the impugned Rules as ultra vires, arbitrary, unreasonable, and null and void.

CHALLENGE TO NOTIFICATION DATED 24.07.2026 DETERMINING RETAINERSHIP FEES PAYABLE TO LAW OFFICERS BY THE STATE OF JHARKHAND

108. The next challenge is to the notification dated 24.07.2026 determining their monthly retainer fees payable to various categories of Law Officers.

109. The determination and payment of monthly retainership fee is essentially a matter of policy. Unless the policies are *ex facie* unreasonable and arbitrary, the scope of judicial review in such matters is minimal, as discussed hereinabove. The Court ordinarily does not decide whether the retainership fees the State Government should pay to its Law Officers are reasonable.

110. On evaluating the impugned notification, we believe that we would not be justified in striking down the notification dated 24th July 2026 to the extent that it concerns the monthly retainership fee payable to the Advocate General, the Additional Advocate General and other categories of Law Officers referred to in the said Rules. In our judgment, the fact that the monthly retainership fee or the maximum monthly limit was previously higher cannot be a ground for striking down the notification dated 24.07.2026.

111. However, we do have some *prima facie* reservations about paying only Rs. 20,000/- as monthly retainer fees to Law Research Officers. Being mindful of the limits of judicial review in such matters, we have refrained from striking down the notification dated 24th July 2026; still, we think that the State should reconsider its decision to pay only Rs 20000 per month as a retainer fee. The reasons for such prima facie reservations are briefly discussed hereafter.

112. Although, in our judgment, Rule 9 of the said Rules is not constitutionally infirm, we note that, under the impugned notification dated 24.07.2026, the monthly retainer fees payable to a Law Research Officer are only Rs. 20,000/-.

113. The scope for judicial review in determining the monthly retainer fees would be extremely limited; however, we note that Rule 9 prescribes that Law Research Officers must have 2 to 5 years of legal practice. Such Law Research Officers are expected to assist the Law Officers in research, drafting, etc. (except

appearing in courts). Such Law Research Officers are prevented from accepting briefs or acting for any private party during their engagement with the State; Despite all this, their monthly retainer fee is pegged at Rs. 20,000/- and no more.

114. Ms Arora argued that the monthly retainer fee is a matter of policy. She further submitted that several applicants have applied despite the fixed monthly retainer fee. She submitted that the Law Research Officers also gain invaluable experience. Therefore, she contended that fixing the monthly retainer fee at Rs. 20,000/- for Law Research Officers is not unreasonable.

115. The fact that several Advocates may have applied for engagement as Law Research Officers, even though the monthly retainer fee is pegged at only Rs 20,000/-, perhaps reflects the struggles a fledgling Advocate faces in the initial years of practice. Rs 20,000/- per month may be better than nothing. But we believe that the State, which is expected to be a model employer or engager, should not base its determination on such a factor. Given the unemployment figures and the travails of a junior lawyer, the number of applicants is not surprising.

116. Therefore, the State's determination of the monthly retainer fee of only Rs 20,000/- for the Law Research Officers is rather disturbing. Although a higher retainer fee does not guarantee undivided and unconflicted assistance, setting a monthly retainer of only Rs. 20,000/- for Law Research Officers still

appears perilously close to the State exploiting the unfortunate plight of young Advocates entering the profession.

117. The State of Jharkhand issued a notification dated 25.05.2026 under the Minimum Wages Act, 1948. Therein, the Ranchi Municipal Corporation area has been classified as a Category-A district/area. For such Category-A districts/areas, the minimum wage prescribed for a highly skilled worker is Rs. 21,336/-. This comprises the basic wage fixed as on 11.03.2024, i.e., Rs. 19,396/-, and variable Dearness Allowance effective from 01.04.2026, i.e., Rs. 1,940/-.

118. Therefore, at least *prima facie,* it does not stand to reason that Law Research Officers must be paid a fee even less than the minimum wages prescribed for highly skilled labour in the Ranchi Municipal Corporation area of the State of Jharkhand. Ms Ritu Kumar and others, Advocates for the petitioners, submitted that paying such a paltry monthly retainer fee would encourage corruption and other nefarious activities, thereby frustrating the very object of engaging Law Research Officers and availing their undivided and unconflicted assistance

119. Accordingly, while we are not striking down the impugned notification dated 24th July 2026 insofar as it determines the monthly retainership fee payable to Law Research Officers, we urge the State Government to reconsider this aspect.

120. Despite our reservations about the policy of paying only Rs. 20,000/- per month to Law Research Officers, we have stopped short of striking down the fee structure or substituting it with a

higher one. We trust that better conscience will prevail and that the State will recognise that it is dealing with the future of young Advocates or Advocates who are young in the profession (having practised for not less than 2 years and not more than 5 years). Merely because the State Government has received several applications, it should not take advantage of or exploit such applicants' plight and offer them remuneration that is even lower than that offered to highly skilled labourers in the Ranchi Municipal area.

121. Therefore, while we reject the challenge to the notification dated 24th July 2026 determining the monthly retainership fees payable to various Law Officers, having regard to the reservations expressed above, we consider it appropriate to direct the State Government to reconsider the monthly retainership fee payable to Law Research Officers.

CHALLENGE TO NOTIFICATION DATED 24.07.2026 RESTRUCTURING LAW OFFICER POSTS BY THE STATE OF JHARKHAND

122. The petitioners have also challenged another notification dated 24th July 2026 determining the cadre strength of Law Officers. The petitioners argued that in fixing the cadre strength, the State Government has ignored the law laid down in **Brijeshwar Singh Chahal (supra).**

123. In **Brijeshwar Singh Chahal (supra),** the Hon'ble Supreme Court held that no lawyer has a right to be appointed as State Government counsel or as a public prosecutor at any level, nor does he/she have a vested right to claim an extension of the

term for which he/she is initially appointed. Further, such appointments should be based on merit and not influenced by any political or extraneous considerations.

124. Further, the Hon'ble Supreme Court made the following observations in paragraph 49 regarding the mechanism for considering candidates seeking appointment as State Government counsel or a public prosecutor:

> *"49. The question is what should be the mechanism for such consideration. There are in that regard two major aspects that need to be kept in mind.*
>
> *49.1. The first is the need for assessment and requirement of the State Governments having regard to the workload in different courts. As noticed earlier, appointments appear to have been made without any realistic assessment of the need for State Counsel at different levels. Absence of a proper assessment of the requirement for State Counsel leads to situations that have been adversely commented upon by CAG in his report to which we have made a reference in the earlier part of this judgment. The problem gets compounded by those in power adding to the strength of Government Advocates not because they are required but because such appointments serve the object of appeasement or private benevolence shown to those who qualify for the same. CAG has in that view rightly observed that there ought to be a proper assessment of the need before such appointments are made.*
>
> *49.2. The second aspect is about the process of selection and assessment of merit of the candidates by a credible process. This process can be primarily left to the State Government who can appoint a Committee of officers to carry out the same. It will be useful if the Committee of officers has the Secretary to Government, Law Department, who is generally a judicial officer on deputation with the Government as its Member-Secretary.*

The Committee can even invite applications from eligible candidates for different positions. The conditions of eligibility for appointment can be left to the Government or the Committee depending upon the nature and the extent of work which the appointees may be effected to handle. The process and selection of appointment would be fair and reasonable, transparent and credible if the Government or the Committee as the case may be also stipulates the norms for assessment of merit and suitability."

125. Finally, the Hon'ble Supreme Court disposed of the matter by issuing the following directions:

"51. In the result, therefore, we dispose of Transfer Petition No. 1073 of 2015 and the civil appeal arising out of SLP (C) No. 8416 of 2016 (CC No. 5470 of 2014) with the following directions:

51.1. The States of Punjab and Haryana shall undertake a realistic assessment of their need in each category in which State Counsel are proposed to be appointed.

51.2. Based on the assessment so made, the States shall constitute a Selection Committee with such number of officers as the State Government may determine to select suitable candidates for appointment as State Counsel. The Secretary, Department of Law in each State shall be the Member-Secretary of the Selection Committee.

51.3. The Committee shall on the basis of norms and criteria which the Government concerned may formulate and in the absence of any such norms, on the basis of norms and criteria which the Committee may themselves formulate conduct selection of Law Officers for the State and submit a panel of names to the Chief Justice of Punjab and Haryana who may set up a Committee of Judges to review the panel and make recommendations to the Chief Justice. The Chief Justice may, based on any such recommendations, record his views regarding

suitability of the candidates included in the panel. The Government shall then be free to appoint the candidates having regard to the views expressed by the Chief Justice regarding their merit and suitability. The procedure for assessment of merit of the candidates and consideration by the High Court will apply in all cases where the candidates are already working as State Counsel but are being given an extension in the term of their appointment. Having said that we must hasten to add that we are not interfering with the appointments already made in the States of Punjab and Haryana which can continue to remain valid for the period the same has been made but any extension or reappointment shall go through the process indicated by us in the foregoing paragraphs.

51.4. The writ petitioners shall also be free to offer themselves for consideration before the Committee appointed by the State Government in which event their claims may also be considered having regard to their merits, suitability and performance as State Counsel for the period they have worked as State Counsel.

51.5. We make it clear that nothing said by us in the foregoing paragraphs of this judgment shall affect the right of the State Governments to appoint any person eligible for such appointment as the Advocate General of the State in terms of Article 165 of the Constitution of India.

51.6. We further clarify that although we are primarily concerned with the procedure regarding selection and appointment of Law Officers in the States of Punjab and Haryana and although we have confined our directions to the said two States only yet other States would do well to reform their system of selection and appointment to make the same more transparent, fair and objective, if necessary, by amending the relevant LR Manuals/Rules and Regulations on the subject."

126. In this case, the petitioner's contention that the directions of the Hon'ble Supreme Court in ***Brijeshwar Singh Chahal (supra)*** have been observed only in breach cannot be accepted. Rules 3(4) and 3(5) empower the State Government to fix and/or modify, from time to time, the number of Law Officers to be engaged in each category, as may be required, based on the Government's assessment in consultation with the Advocate General.

127. In particular, Rule 3(5) provides that, while making an assessment under Rule 3(4), the Government may take into consideration various aspects, including but not limited to the workload of legal cases involving the Government, the total number of Courts (sanctioned and working), the nature of the work involved, specialisation in subject matters, and any other relevant material or aspect as it deems fit.

128. In addition, Rule 4 provides for the constitution of a Search Committee, with the Advocate General as Chairperson and the Principal Secretaries of the Personnel, Administrative Reforms and Rajbhasha Department and the Department of Home as members.

129. Rule 4(2) requires the Search Committee to prepare a panel of Advocates, not exceeding twice the number determined under Rules 3(iv) and 3(v) of the said Rules, based on the eligibility criteria set out under the said Rules and on their experience, integrity, reliability, reputation, merit and suitability, and to submit its recommendations to the Selection Committee

through the Law Department for the engagement of such Advocates as Law Officers in the Jharkhand High Court and the Supreme Court of India.

130. Rule 5 provides for the composition of the Selection Committee, which comprises the Minister/Minister-in-charge, Law Department, as Chairperson; the Advocate General; the Chief Secretary; and the Principal Secretary-cum-Legal Remembrancer, Law Department, as Member Secretary. Rule 5 (iv) deals with the appointment of Government counsel for Tribunals and other adjudicatory bodies constituted by or under any State or Central Act, except Civil Courts. Rule 5 (5) deals with the engagement of Law Officers for Civil and Criminal Courts. The said Rules provide for consultation with the Principal District and Sessions Judge.

131. Considering the elaborate mechanism provided under the said Rules for assessing the requirement of Law Officers, preparing a panel of eligible Advocates and selecting suitable candidates through a prescribed process involving the Advocate General and other designated authorities, we cannot accept the petitioner's contention that the directions issued by the Hon'ble Supreme Court in **Brijeshwar Singh Chahal (supra)** have been observed only in the breach or that the exercise contemplated therein has not been undertaken.

132. As to determining the strength of the Law Officers, we again believe that the scope of judicial review in such matters is minimal. From the counter affidavit filed on behalf of the State

Government, it transpires that the strength of the Law Officers is now 81, of which 66 are arguing counsel and 15 are Law Research Officers. It has also been pointed out that, compared with the earlier sanctioned strength of 29 arguing counsels, the strength has now increased to 66. It is also pointed out that specialised posts such as Standing Counsel (Mines and Land and Ceiling) have been surrendered only to subsume them into the positions of Government Pleaders.

133. Again, as discussed hereinabove, the scope of judicial review in such matters is minimal, because Courts do not decide how many Law Officers the State Government should appoint, unless of course a case of manifest arbitrariness or unreasonableness is made out and the very administration of justice suffers. These are matters for the State Government to decide, and as long as the State Government's decisions are reasonable, judicial review is not warranted.

134. Besides, Ms. Arora has already stated that the determination of the strength of the Law Officers is not static. If, in the future, the situation warrants it, the State would revise that determination and perhaps increase the number of posts. This pragmatic approach adequately addresses the dynamic nature of litigation volume in the High Court, leaving the executive sufficient latitude to reassess its staffing needs periodically. As long as the framework established by the State meets the core benchmarks of institutional necessity, transparency, and non-

arbitrariness, the executive must retain discretion over the precise operational details.

135. In ***U.P. State Law Officers Association (supra)***, the High Court struck down the discontinuance of the brief-holders' system in U.P. However, the Hon'ble Supreme Court reversed the High Court's decision, holding that the Government could not be faulted for abolishing that system and appointing special counsel for special cases in its place. Even here, Rule 13 empowers the Advocate General and the Law Department, in consultation with the administrative department, to engage special counsel or Special Public Prosecutors outside the panel where the situation so requires.

136. For the reasons above, we find no good and sufficient grounds to strike down the impugned notification dated 24 July 2026 determining the strength, structure and methodology for engagement of law officers by the State.

THE CHALLENGE TO THE NOTICE INVITING APPLICATIONS FOR ENGAGING STATE LAW OFFICERS

137. The argument that the notice inviting applications for various posts of Law Officers violates Article 165 of the Constitution, or that it allegedly degrades the office of the Advocate General, is misconceived and deserves rejection.

138. Merely because the Notice Inviting Applications was issued by the Principal Secretary-cum-Legal Remembrancer, it neither infringes Article 165 of the Constitution nor, in any manner, degrades the office of the learned Advocate General. The office of the learned Advocate General is not so fragile as to be

degraded by such matters. It rests on surer constitutional foundations.

139. The Notice Inviting Applications was issued by the Principal Secretary-cum-Legal Remembrancer because, under the said Rules, this officer is the Member Secretary of the Selection Committee and the Nodal Officer for the establishment. Besides, the mere issuance of a Notice Inviting Applications does not constitute engagement. Engagement follows the recommendation of a committee of which the learned Advocate General is very much a member. By issuing the Notice Inviting Applications, the Principal Secretary-cum-Legal Remembrancer or the Law Secretary is not conferred with any functions reserved by Article 165 of the Constitution exclusively to the office of the Advocate General.

140. In ***M.T. Khan (Supra),*** the Hon'ble Supreme Court has explained that designation and engagement of other State counsel, i.e. Additional Advocate General, Standing Counsel, Government Pleader, etc., is in exercise of executive power under Article 162 and may, in the absence of legislation, be regulated by the executive instructions.

141. The decision in ***U.P. State Law Officers Ministerial Staff Association (supra),*** delivered by the Allahabad High Court, does not lay down any blanket proposition that the notice issued by the Secretary would be invalid, nor that in every case the Advocate General must, under his signature, issue such an advertisement. However, even if, as the petitioners insist, the

said decision does lay down such a blanket proposition, then, *with utmost respect,* we disagree with the Hon'ble Allahabad High Court's view.

142. Accordingly, the challenge to the impugned notice inviting applications to engage the various Law Officers fails and is hereby rejected.

PRESUMPTION OF CONSTITUTIONALITY & LOCUS STANDI

143. The challenge in these matters was not to some primary legislation or statutory rules. The challenge was to executive instructions framed under Article 162 of the Constitution. Therefore, we have doubts as to whether the presumption of constitutionality applies, or would apply, with the rigour it applies to primary legislation or statutory rules. [See **Bihar Rajya Dafadar Chaukidar Panchayat v. State of Bihar 2025 SCC OnLine Sc 1882; Indian Express Newspapers v. UOI 1985(1) SCC 641**]

144. In any event, by adhering to the principle of judicial restraint in reviewing policy matters, we have rejected most challenges to the said rules. As discussed above, while examining the limited contours and scope of judicial review, executive policy framed under Article 162 lies squarely within the State Government's domain. So long as such executive policies or administrative rules do not suffer from manifest arbitrariness, unreasonableness, or statutory infraction [*as we believe was the case with rule 3(7) of the said rules*], this Court, in the exercise of its writ jurisdiction, will not substitute its view for that

of the executive or strike down provisions merely because a different policy choice was plausible.

145. Therefore, we do not wish to deliberate further on the contention that any alleged presumption of constitutionality applies to executive instructions under Article 162 of the Constitution.

146. Ms Arora's objection to the locus standi of the petitioners, on the ground that some of the petitioners were not practising Advocates and that no one pleaded that any of them had applied for the advertised posts, also cannot be accepted.

147. The petitioner in W.P. (C) No. 6967 of 2026 is a practising Advocate, and the petitioner in W.P. (Filing) No. 9721 of 2026 is an association of practising Advocates of this Court. The Rules and Notifications set out the strength, eligibility criteria, and terms of engagement for Law Officers who appear for the State, and therefore directly affect members of the Bar.

148. Moreover, challenging the legal efficacy of statutory rules governing public engagements, as well as Rule 3(7), which directly affects the autonomy of statutory bodies, raises questions of substantial public interest.

149. A public-spirited advocate or association need not necessarily apply for the advertised posts to invoke this Court's extraordinary writ jurisdiction under Article 226 of the Constitution to ensure adherence to the rule of law.

150. The preliminary objection as to maintainability and locus standi is, therefore, hereby rejected.

CONCLUSIONS

151. For all the above reasons, we dispose of all these petitions by making the following order:

(a) ***We reject the preliminary objection raised by the State regarding the locus standi of the petitioners.***

(b) ***We reject the challenge to the said Rules because they refer to the proviso to Article 309, not Article 162 of the Constitution, as their source of power.***

(c) ***We hereby reject the challenges to the eligibility conditions prescribed under Rule 6, as well as to the professional restrictions imposed under Rule 9 of the said Rules.***

(d) ***However, the challenge to Rule 3(7) of the said Rules is upheld. Rule 3(7) of the said Rules, being incurably vague, manifestly arbitrary, and an impermissible encroachment upon statutory autonomy, is hereby severed and struck down as ultra vires Article 14 of the Constitution and declared null and void.***

(e) ***The challenges to the impugned Notification dated 24th July 2026 (determining cadre strength) are hereby rejected.***

(f) ***The challenges to the impugned Notification dated 24th July 2026 (determining the fee structure) are hereby rejected subject to (g) below.***

(g) ***However, while declining to quash the Notification dated 24th July 2026 regarding the quantum of fees payable to law officers, we direct the State Government to reconsider the quantum of the monthly retainer fee payable to Law Research Officers and to take a decision thereon within three months from today.***

(h) ***The challenge to the impugned Notice Inviting Applications issued by the Principal Secretary-cum-Legal Remembrancer is hereby rejected.***

152. W.P.(C) No. 6967 of 2026, W.P.(PIL) No. 6148 of 2026 and W.P.(Filing) No. 9721 of 2026 are disposed of in the above terms without any orders for costs.

153. The Rule is made absolute in part to the extent indicated above and is otherwise discharged. Pending interlocutory applications, if any, are disposed of. Interim orders, if any, are hereby vacated.

154. All concerned may act on an authenticated copy of this judgment and order.

(M. S. Sonak, C.J.)

(Manoj Prasad, J.)

October 27, 2026
A.F.R.
APK/VK
Uploaded on 27.10.2026

Annexure-I

Government of Jharkhand
Department of Law

-: Notification :-
25th June, 2026

The Jharkhand Law officer (Engagement) Rules, 2026

Notification No.-C/AGO (Niyukti)-25/2016-**1425**/J, Dated **25th** June, 2026 In exercise of the powers under Proviso of Article 309 of the Constitution of India, the Governor of Jharkhand hereby makes the following Rules to provide a system of engagement of Law Officers who will represent the State of Jharkhand in the Jharkhand High Court, the Supreme Court of India, other Courts of Law, Tribunals etc in a transparent, fair and objective manner and to regulate their engagement, remuneration, duties and other terms and conditions and for matter connected therewith and incidental thereto-

1. Short tile and commencement-

(1) These Rules may be called the Jharkhand Law Officers (Engagement) Rules, 2026.
(2) They shall come into force with effect from the date of notification.

2. Definitions:- In these Rules, unless the context otherwise requires:-

(a) "Advocate" means an advocate as defined under the Advocates Act, 1961;

(b) "Advocate General" means a person appointed under Article 165 of the Constitution of India as Advocate General for the State of Jharkhand and includes any person appointed to act temporarily as such;

(c) "Advocate on Record" means an Advocate on Record as per the applicable Rules of the Jharkhand High Court and the Supreme Court of India.

(d) "Category" means the category of post of Law Officers specified in Rule 3 of these Rules and includes such other categories of Law Officers, as may be determined by the Government from time to time;

(e) "Engaging Authority" means the Government;

(f) "Government" means the Government of the State of Jharkhand;

(g) "Government Counsel" means an Advocate engaged under Rule 5 (4) of these Rules;

(h) "Law Officer" means an Advocate engaged under these Rules as a Law officer in the Office of the Advocate General by the Government and includes a special Public Prosecutor or a Special Counsel;

(i) "Public Prosecutor" means an Advocate appointed under Section **18 and 19** of the **Bhartiya Nagrik Suraksha Sanhita, 2023** to be a Public Prosecutor for the Jharkhand High Court and for Sessions Division and includes Additional Public Prosecutor, Additional Public Prosecutor (Senior Panel) and Special Public Prosecutor;

(j) "Selection Committee" means a committee constituted under Rule 5 of these Rules;
(k) "Search Committee" means a Committee constituted under Rule 4 of these Rules;
(l) "Special Public Prosecutor" or "Special Counsel" means an Advocate or a Senior Advocate engaged under Rule 12 of these Rules;

3. Categories of Law Officer:-

(1) The following Categories of Law Officers may be engaged for the Jharkhand High Court, namely:-
(a) Senior Additional Advocate General,
(b) Additional Advocate General,
(c) Standing Counsel (Civil side),
(d) Government Pleader
(e) Government Advocate,
(f) Standing Counsel (Criminal side)
(g) Public Prosecutor,
(h) Additional Public Prosecutor,

(2) The following Categories of Law Officers may be engaged for the Supreme Court of India, namely:-
(a) Senior Additional Advocate General
(b) Additional Advocate General,
(c) Standing Counsel,
(d) Arguing Counsel.
(e) Advocate on Record,

(3) The following Categories of Law Officers may be engaged for the Civil and Criminal Courts of Jharkhand, namely:-
(a) Public Prosecutor,
(b) Government Pleader,
(c) Additional Public Prosecutor,
(d) Additional Government Pleader,
(e) Special Public Prosecutor.

(4) The above categories of Law Officers and the number of Law Officers to be engaged under each category shall be fixed and/or modified, from time to time as required, by the Government based on an assessment made by the Government in consultation with the Advocate General.

(5) The Government while making assessment under sub-Rule (4) above may take into consideration various aspects, including but not limited to the workload of legal cases involving the Government, the total number of Courts (sanctioned and working), the nature of work involved, specialization in subject matters and any other relevant material or aspect, as it deems fit.

(6) The Government shall be Engaging Authority for the Law Officers belonging to the various categories of posts under these Rules and Law Officers so engaged shall hold such posts during the pleasure of the Government.

(7) In relation to the Boards, Corporations and other authorities funded and run by the funds of the State Government, the engagement of the counsel to represent such bodies before the courts and tribunals in the State of Jharkhand and elsewhere shall be made on a case to case basis by the Advocate General only from the panel of Law Officers engaged by the State in terms of these Rules after taking into consideration the recommendation, if any, of the Law Department of the concerned Board, Corporations and other authorities. The payment of remuneration for such counsel shall not exceed the fee paid in terms of Rules 12 hereinafter and be commensurate with the fee paid to Law Officers having similar qualification.

For all other non litigation assignments, the Law Department of the Boards, Corporations and other authorities funded and run by the funds of the State Government shall engage counsel only from the panel of Law Officers engaged by the State in terms of these Rules on a case to case basis. The payment of remuneration for such counsel shall not exceed the fee paid in terms of Rules 12 hereinafter and be commensurate with the fee paid to Law Officers having similar qualification.

There shall be no retained counsel for such bodies in during Department of State Government.

4. Search Committee:-

(1) There shall be a Search Committee for searching the names of and preparing the panel of Advocates for making recommendation to the Selection Committee for engagement of different categories of Law Officers in the Jharkhand High Court and in the Supreme Court of India. This Committee shall consist of the following :-

(a) The Advocate General, Jharkhand- **Chairman;**
(b) Principal Secretary, Personnel, Administrative Reforms and Rajbhasha Department, Jharkhand - **Member;**
(c) The Principal Secretary, Department of Home, Jharkhand- **Member.**

(2) The Search Committee shall prepare a panel of names of Advocates, not more than upto twice the number as determined under Rule 3(4) and Rule 3(5) of these Rules, on the basis of the eligibility criteria set out under these Rules and their experience, integrity, reliability, reputation, merit and suitability and submits its recommendation to the Selection Committee through the Law Department for engagement of such Advocates as Law Officers in the Jharkhand High Court and the Supreme Court of India.

(3) The Search Committee shall formulate its own procedure for seeking willingness and preparation of the panel of the names of the advocates for engagement as Law Officers in the Jharkhand High Court and the Supreme Court of India.

5. Selection Committee and Engagement:-

(1) The Selection Committee shall consist of the following :-
(a) The Minister/Minister-in-Charge, Law Department - Chairman
(b) The Advocate General- Member
(c) The Chief Secretary - Member
(d) The Principal Secretary-cum-Legal Remembrancer, Law Department- Member Secretary

(2) The Selection Committee, on receipt of the recommendation made by the Search Committee under Rule 4(2) of these Rules, shall recommend to the Government for engagement of such Advocates as Law Officers in Jharkhand High Court and the Supreme Court of India on the basis of the eligibility criteria set out under these Rules and their experience, integrity, reliability, reputation, merit and suitability.

(3) On the recommendations made by the Selection Committee under sub-Rule (2),the Government shall, by order, make the engagement of Law Officers to the various categories of posts in Jharkhand High Court and the Supreme Court of India and shall issue order(s) of engagement of Law Officers including such terms and conditions as may be determined by the Government in this regard from time to time.

(4) The Government Counsel for Tribunals, other adjudicatory bodies constituted by or under any other State or Central Act, except the Civil Courts, or in case so specially required for any particular Department of the Government, shall also be engaged by following the provisions of and on the basis of eligibility and criteria under these Rules by the Government and such Counsel shall discharge the duties similar to those of the Law Officers under these Rules and paid remuneration in terms of Rule 12 hereinafter.

(5) (i) For engagement of Law Officers for Civil and Criminal Courts of Jharkhand as mentioned in Rule 3 (3) of these Rules the Search Committee shall consist of the following namely:-

a. For Public Prosecutor – The District Magistrate and the Superintendent of Police of the concerned District.

b. For Government Pleaders – The District Magistrate and the Additional Collector of the concerned District.

c. For Additional Public Prosecutor – The District Magistrate, the Superintendent of Police and the Public Prosecutor of the concerned District.

d. For Additional Government Pleader – The District Magistrate, the Additional Collector and the Government Pleader of the concerned District.

e. For Special Public Prosecutor – The District Magistrate and the Superintendent of Police of the concerned District.

(ii) The Search Committee constituted under sub-Rule 5(1) in consultation with the Principal District and Sessions Judge for the concerned district shall prepare a list of names of Advocates on the basis of the eligibility criteria set out under these Rules and their experience, integrity, reliability, reputation, merit and suitability and submit it to be Principal Secretary-cum-Legal Remembrance, Law Department.

(iii) The list so forwarded by the District Magistrate shall be placed before the Selection Committee constituted under Rule 5(1) of these Rules and based on the eligibility and qualifications as provided under these Rules and also their experience, integrity, reliability, reputation, merit and suitability the Selection Committee shall prepare a panel of names of Advocates for engagement by the Government on the categories of posts mentioned in Rule 3 (3) of these Rules. On such recommendations made by the Selection Committee, the Government shall, by order, make engagement of Law Officers to the various categories of Posts in the Civil Courts of Jharkhand. Provided that the engagement of Public Prosecutor and Additional Public Prosecutor in the Jharkhand High Court and the Civil Courts of State shall be made as per the provisions as contained in Section– 18 & 19 of the Bhartiya Nagrik Suraksha Sanhita, 2023.

(6) The Search Committee while making recommendation of the names of the Advocates for their engagement on various categories of posts shall have regard to the facts that the list of the Advocates so recommended contains proper representation of all sections of the society.

(7) The Search Committee of the district shall recommend the names of the Advocates, upto twice of the number of vacancy of the Law Officers as determined under Rule 3 (4) and Rule 3 (5) of these Rules.

6. Eligibility:-

(1) In order to be eligible to be engaged as a Law Officer, an Advocate shall be:-

(a) a citizen of India and registered with a Bar Council constituted under the Advocate Act, 1961; and

(b) a designated senior Advocate who is practising in the Supreme Court or any High Court, or a Senior Advocate or an Advocate who is practising in the Jharkhand High Court or an Advocate who has been practising in the Civil Courts of Jharkhand;

(c) possesses the following standing in number of years of practice against the respective categories and being an income tax assesses for at least three financial years from the financial year in which engagement is to be made:-

(i) For Senior Additional Advocate General and Additional Advocate General for the Jharkhand High Court, he has been in practice as an Advocate for not less than 15 years in the Jharkhand High Court or is a designated Senior Advocate of the Supreme Court or any High Court.

(ii) For Senior Additional Advocate General and Additional Advocate General for the Supreme Court, he has been in practice as an Advocate for not less than 20 years and is a designated Senior Advocate of the Supreme Court or any High Court.

(iii) For Standing Counsel for the Supreme Court of India, he has been in practice as an advocate for not less than 15 years in the Supreme Court ;

(iv) For Standing Counsel for the Jharkhand High Court, he has been in practice as an Advocate for not less than 12 years in the Jharkhand High Court;

(v) For Arguing Counsel for the Supreme Court of India, he has been in practice as an advocate for not less than 20 years and is practising in the Supreme Court of India ;

(vi) For Government Pleader for the Jharkhand High Court or for the Civil Courts of Jharkhand, he has been in practice as an advocate for not less than 10 years in the Jharkhand High Court or in the Civil Courts of Jharkhand respectively for that Court for which the engagement is to be made;

(vii) For Advocate on Record for the Supreme Court, he has been an Advocate on Record of the Supreme Court for not less than 10 years ;

(viii) for Government Advocate for the Jharkhand High Court he has been in practice as an Advocate for not less than 5 years in the Jharkhand High Court;

(ix) For Public Prosecutor for the Jharkhand High Court or for the Civil Courts of Jharkhand, he has been in practice for not less than 10 years in the Jharkhand High Court or in the Civil Courts of Jharkhand respectively for that Court for which the engagement is to be made;

(x) For an Additional Public Prosecutor for Jharkhand High Court or for the Civil Courts of Jharkhand, he has been in practice as an Advocate for not less than 07 years in the Jharkhand High Court or in the Civil Courts of Jharkhand respectively for that Court for which the engagement is to be made;

(xi) For a Special Public Prosecutor for the Civil Courts of Jharkhand, he has been in practice as an Advocate for not less than 10 years in the Civil Courts of Jharkhand.

7. **Disqualification for engagement** – An Advocate or a Senior Advocate shall be disqualified from being engaged or to continue as Law Officer under these Rules in the following circumstances:-

(1) A Law Officer who accepts brief from any private person in a criminal case in any Court;

(2) A Law Officer may accept a brief from any private person for a civil case in which the State or its departments or its corporations or agencies are not party, in any Court with prior written approval of the Advocate General provided that such private person does not have any contract with the Government or any board, corporation or other State Authority and that acceptance does not interfere with the discharge of his duties as a Law Officer and relates solely to dispute involving private parties and not involving the Government or its officials.

(3) A Law Officer shall not appear for or give Legal Advice to private person or matter in which the interest of the person are likely to be adverse to that of the Government or its Officials;

(4) A Law Officer shall not accept a brief from any person, whether a Petitioner or Respondent, in proceedings initiated in a Election Petition in connection with an Election to Local Authority or the State Legislature or the Parliament;

(5) A person, who is a member of the Parliament or a Legislature of the State, a Municipal Corporation, a Municipal Council, a Panchayat or any other Local Authority, shall not, as long as he holds that office, be eligible for engagement as a Law Officer.

(6) A Law Officer shall not continue to give legal advice to or to retain brief from or appear in any Court of Law or Tribunal on behalf of any person, body, association, company etc. which effects the interest of the Government or its Officials, either directly or indirectly, after being engaged under these Rules;

(7) If the Law Officer ceases to be an Advocate or is convicted by a Court of Law for an offence involving moral turpitude.

8. Duties of Law Officers - It shall be the duty of a Law Officer:-

(a) to give advice to the Government upon such matters, and to perform such other duties of a legal character, as may from time to time, be referred or assigned to him by the Government or the Advocate General;

(b) to appear without fail on behalf of the Government and its Officials and either prosecute or defend all proceedings diligently, faithfully and with such professional expertise as may be reasonably expected of a Law Officer of his experience and standing, as that case may be, before the Jharkhand High Court or the Supreme Court or any other High Court or any other Courts / Tribunals as allotted or as directed by the Advocate General, in which the Government is concerned as a party or is otherwise interested;

(c) to discharge such other functions as are conferred on a Law Officer by or under the Constitution of India or any other Law for the time being in force.

9. Assistance of Law Officers

An Advocate who has been in practice for not less than 2 years and not more than 5 years shall be engaged as Law Research Officer to assist the Law Officers appointed in terms of Rule 3 above except Government Advocates appointed in terms of Rule 3 (1) (e) above **in researh, drafting etc. (except appearing in court)** , in such number and on such fee, as may be decided by the Government on the recommendation of the Advocate General **to assist the Law Officers** in performing their duties stated under Rule 8 of these Rules. Such Law Research Officer shall be associated with the Law Officer assigned to him by the Advocate General. Such Law Research Officer shall not accept or act for any private party during the period of his engagement by the State.

10. Disengagement of Law Officers – The Law Officers engaged and holding the various categories of posts under these Rules or an Advocate engaged under these Rules at the pleasure of the Government shall be disengaged at any time by the Government in consultation with the Advocate General if found to be not eligible as under Rule 6 or having found to have incurred disqualification as under Rule 7 or on failure to perform the duties as under Rule 8 of these Rules. The Law Officer may disengage himself after giving one month notice to the Advocate General in this regard.

11. Review of performance –

(i) *The works of the Law Officers,* adverse to the interest of State except those engaged under Rule 5 (5) of these Rules, shall be communicated by the Advocate General and such communication shall be sent to the Government for appraisal of their performance of duties and the Government shall disengage such Law Officers, in consultation with the Advocate General,

(ii) The work of the Law Officers engaged under rule 5 (5) of these Rules, adverse to the interest of State shall be communicated by the District Magistrate or Public Prosecutor of concerned District or Director of Prosecution and such communication shall be sent to the Government for appraisal of their performance of duties and the Government may disengage such Law Officers, in consultation of the Advocate General.

12. **Retainer, Fee and other Allowances** – For performance of the duties as mentioned in Rule 8, a Law Officer shall be paid fee including retainer fee, and such other allowances as may be determined by the Government from time to time.

13. **Special Engagement** – Notwithstanding anything contained in these Rules, the Advocate General shall have the discretion to engage for the Jharkhand High Court, ***other High Courts*** and the Supreme Court of India, on such terms and fee as may be fixed in consultation with the Administrative Department and the Law Department, an Advocate for the Government as a Special Public Prosecutor or a Special Counsel who is not a Law Officer under these Rules, in case(s) involving important issue(s) for the Government, specially revenue or in public interest.

Notwithstanding anything contained in these Rules, the Department of Law (Justice), Government of Jharkhand shall have discretion to engage for the Jharkhand High Court, ***other High Courts, Tribunal*** and the Supreme Court of India and on such terms and fee as may be fixed, in consultation with the Administrative Department, an Advocate for the Government as a Special Public Prosecutor or a Special Counsel who is not a Law Officer under these Rules, in case(s) involving important issue(s) for the Government.

In arbitration matter if the Government of Jharkhand or any agency funded by the State of Jharkhand is a party, counsel from the panel of Law Officers appointed in terms of Rules 3 (1) and Rule 3 (2) except Rule 3 (1) (e) shall be engaged to represent the State or any agency funded by the State on the recommendation of Advocate General.

The Department of Law (Justice), Government of Jharkhand in consultation with the Administrative Department and the Advocate General may engage an advocate for the Government

14. **Saving and overriding effect-**

(i) All appointments made or anything done or any action taken under the previously existing Rules shall be deemed to have been made, done or taken under the corresponding provision of these Rules;

(ii) These Rules shall be supplemental to the provisions contained in the different statutes regarding engagement of Law Officers.

(iii) Anything contrary to the Rules made or issued by the Government in connection with the matters provided for herein prior to coming force of these Rules or anything contained in the Legal Remembrancer Rules 1946 shall not have any effect and shall not stand saved from the date of coming in force of these Rules.

(iv) Until the appointment is made under these Rules, the law officer appointed under The Jharkhand Officer Engagement Rules, 2018 shall continue.

(v) Upon the issuance of the notification for these Rules, any previously issued Rules related to the same shall stand repealed.

15. Removal of Difficulties -

The Law Department, Government of Jharkhand in consultation with the Advocate General will issue circulars/notifications/office orders as and when required for removal of difficulties and according to need and exigencies.

By Order of the Governor of Jharkhand,

Niraj
25/06/26

(Niraj Kumar Srivastav)
Principal Secretary-cum-Legal Remembrancer,
Law Department, Govt. of Jharkhand.

Annexure-II

झारखण्ड सरकार
विधि विभाग
झारखण्ड मंत्रालय, धूर्वा, राँची–834004

ज्ञापांक–सी0 / ए0जी0ओ0–03 / 2001–**1612** / जे0 राँची, दिनांक– **24** जुलाई, 2026

सेवा में
महालेखाकार, झारखंड,
पो0–डोरंडा, राँची।

विषय– महाधिवक्ता कार्यालय, झारखण्ड उच्च न्यायालय, राँची के लिए वरीय अपर महाधिवक्ता के 02 (दो) अतिरिक्त पद / अपर महाधिवक्ता के 01 (एक) अतिरिक्त पद / राजकीय अधिवक्ता का 01 (एक) अतिरिक्त पद / सरकारी वकील का 44 (चौआलिस) अतिरिक्त पद एवं लॉ रिसर्च ऑफिसर के 15 (पन्द्रह) अर्थात कुल 63 (तिरसठ) पदों के सृजन की स्वीकृति।

आदेश– स्वीकृत।

2. The Jharkhand Law Officer (Engagement) Rules, 2026 के अधिसूचित होने के उपरांत महाधिवक्ता कार्यालय अंतर्गत विधि पदाधिकारियों की संरचना में परिवर्त्तन किये जाने की आवश्यकता को दृष्टिगत रखते हुए पूर्व से स्वीकृत पदों में विभिन्न स्तर के कुल 11 (ग्यारह) पदों को प्रत्यर्पित करते हुए उसके स्थान पर विधि पदाधिकारियों के कुल 63 (तिरसठ) नये पदों का सृजन किया गया है, जिसकी विवरणी निम्नरूपेण है:–

क्रमांक	पदनाम	पूर्व से स्वीकृत पद की संख्या	प्रत्यर्पित किये गये पद की संख्या	नये सृजित किये गये पद की संख्या
1.	महाधिवक्ता	01	00	00
2.	वरीय अपर महाधिवक्ता	01	00	**02**
3.	अपर महाधिवक्ता	03	00	**01**
4.	वरीय स्थायी सलाहकार	01	01	00
5.	स्थायी सलाहकार	06	04	00
6.	स्थायी सलाहकार (माईन्स)	03	03	00
7.	स्थायी सलाहकार (भू–हदबंदी)	03	03	00
8.	राजकीय अधिवक्ता	05	00	**01**
9.	सरकारी वकील	06	00	**44**
10.	लॉ रिसर्च ऑफिसर	00	00	**15**
	कुल योग	29	11	**63**

3. प्रस्ताव पर मंत्रिपरिषद् की दिनांक–21.07.2026 को संपन्न बैठक में मद संख्या–50 के रूप में स्वीकृति प्राप्त है।

झारखंड राज्यपाल के आदेश से,

नीरज 24/7/26
(नीरज कुमार श्रीवास्तव)
प्रधान सचिव–सह–विधि परामर्शी
विधि विभाग, झारखण्ड, राँची।

ज्ञापांक–सी0 / एजी0जी0–03 / 2001–**1612** / जे0 रांची, दिनांक– **24** जुलाई, 2026

प्रतिलिपि– अधीक्षक, राजकीय मुद्रणालय, झारखंड, रांची को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित। उनसे अनुरोध है कि उक्त राज्यादेश को झारखंड गजट के अगले असाधारण अंक में सर्वसाधारण के सूचनार्थ प्रकाशित किया जाए।

(नीरज कुमार श्रीवास्तव)
प्रधान सचिव–सह–विधि परामर्शी
विधि विभाग, झारखण्ड, रांची।

Annexure-III

झारखण्ड सरकार
विधि विभाग
झारखण्ड मंत्रालय, धूर्वा, राँची–834004

ज्ञापांक–03 / विधि–शुल्क–33 / 2020–**1613** / जे0 राँची, दिनांक– **24** जुलाई, 2026

सेवा में
महालेखाकार, झारखंड,
पो0–डोरंडा, राँची।

विषय– महाधिवक्ता कार्यालय, झारखंड, राँची में झारखंड सरकार से संबंधित वादों में राज्य सरकार का पक्ष रखने के लिए नियुक्त विधि पदाधिकारियों के माननीय झारखंड उच्च न्यायालय, राँची / मुख्यालय के अंदर किसी माननीय न्यायालय एवं न्यायाधिकरण तथा मुख्यालय के बाहर किसी माननीय न्यायालय एवं न्यायाधिकरण में राज्य सरकार का पक्ष रखने हेतु एवं उनके अधिवक्ता लिपिक तथा माननीय पटना उच्च न्यायालय में नियुक्त पैनल काउसेंल के शुल्क का निर्धारण।

आदेश– स्वीकृत।

2. माननीय झारखंड उच्च न्यायालय, राँची में झारखंड राज्य से संबंधित वादों में राज्य सरकार का पक्ष रखने हेतु महाधिवक्ता कार्यालय, झारखंड, राँची में नियुक्त विधि पदाधिकारियों का शुल्क निम्नरूपेण निर्धारित किया जाता है:–

सारणी–1

क्रमांक	विधि पदाधिकारी का पदनाम	मासिक प्रतिधारण शुल्क	स्वत्वार्पण शुल्क (Assignment Based)	अधिकतम मासिक परिसीमा
1.	2.	3.	4.	5.
(1)	महाधिवक्ता	रू0 50,000 / –	रू0 2,25,000 / –	रू0 2,75,000 / –
(2)	वरीय अपर महाधिवक्ता	रू0 22,000 / –	रू0 2,00,000 / –	रू0 2,22,000 / –
(3)	अपर महाधिवक्ता	रू0 20,000 / –	रू0 1,80,000 / –	रू0 2,00,000 / –
(4)	स्थायी सलाहकार	रू0 15,000 / –	रू0 1,35,000 / –	रू0 1,50,000 / –
(5)	राजकीय अधिवक्ता	रू0 12,000 / –	रू0 1,13,000 / –	रू0 1,25,000 / –
(6)	सरकारी वकील	रू0 10,000 / –	रू0 60,000 / –	रू0 70,000 / –
(7)	लॉ रिसर्च आफिसर	रू0 20,000 / –	—	—

3. महाधिवक्ता एवं अन्य विधि पदाधिकारियों को सौंपे गये कार्य आधारित प्रस्तावित शुल्क (स्वत्वार्पण शुल्क–Assignment Based) के घटक निम्नरूपेण होंगे:–

सारणी–2

क्रमांक	विधि पदाधिकारी का पदनाम	ड्राफ्टिंग	उपस्थिति	लिखित मंतव्य
1.	2.	3.	4.	5.
(1)	महाधिवक्ता	रू0 7,500 / –	रू0 7,500 / –	रू0 15,000 / –
(2)	वरीय अपर महाधिवक्ता	रू0 5,000 / –	रू0 5,000 / –	रू0 7,000 / –
(3)	अपर महाधिवक्ता	रू0 3,500 / –	रू0 3,500 / –	रू0 5,000 / –
(4)	स्थायी सलाहकार	रू0 3,000 / –	रू0 3,000 / –	रू0 4,000 / –
(5)	राजकीय अधिवक्ता	रू0 2,500 / –	रू0 2,500 / –	—
(6)	सरकारी वकील	रू0 1,000 / –	रू0 1,000 / –	—

(कृ0पृ0उ0)

4. उपरोक्त सारणी–2 में वर्णित विधि पदाधिकारियों को प्रति पदाधिकारी 01 (एक) अधिवक्ता लिपिक अनुमान्य होंगे एवं अधिवक्ता लिपिक का शुल्क निम्नरूपेण निर्धारित किया जाता है:–

क्रमांक	अधिवक्ता लिपिक की विवरणी	मासिक प्रतिधारण शुल्क
1.	2.	3.
(1)	महाधिवक्ता के अधिवक्ता लिपिक	रू0 7,000/–
(2)	वरीय अपर महाधिवक्ता के अधिवक्ता लिपिक	रू0 7,000/–
(3)	अपर महाधिवक्ता के अधिवक्ता लिपिक	रू0 7,000/–
(4)	स्थायी सलाहकार के अधिवक्ता लिपिक	रू0 7,000/–
(5)	राजकीय अधिवक्ता के अधिवक्ता लिपिक	रू0 7,000/–
(6)	सरकारी वकील के अधिवक्ता लिपिक	रू0 7,000/–

5. मुख्यालय के अंदर किसी माननीय न्यायालय एवं न्यायाधिकरण में राज्य सरकार का पक्ष रखने हेतु कोई अतिरिक्त शुल्क/राशि देय नहीं होगा।

6. लंबित मामलों में लिखित परामर्श/मंतव्य सिर्फ विद्वान महाधिवक्ता से ही माँगी जा सकती है।

7. स्थगन/समय वृद्धि को उपस्थिति नहीं समझा जाएगा।

8. दस्तावेज (प्लीडिंग) दाखिल करने के निर्देशों को आधी उपस्थिति शुल्क पर अग्रभावी उपस्थिति माना जाएगा।

9. 06 (छह) माह में रिपोर्ट किए गए हर 25 (पच्चीस) न्यायादेश के लिए, विधि पदाधिकारी को ऊपर निर्धारित शुल्क के अतिरिक्त निम्नवर्णित सारणी के अनुसार विवेक के आधार पर अतिरिक्त शुल्क अनुमान्य होगा। विधि पदाधिकारी को प्रत्येक 06 (छह) माह के अंत में उन रिपोर्ट किए गए न्यायादेशों का उद्धहरण (साइटेशन) गठित समिति को सौंपने होंगे, जिनमें उन्होंने सरकारी संस्था का प्रतिनिधित्व किया होगा। इस समिति में विद्वान महाधिवक्ता और मुख्य सचिव शामिल होंगे। रिपोर्ट किए गए न्यायादेशों से जुड़े मुद्दों, जटिलता और दांव पर लगी बातों पर विचार करने के उपरांत समिति द्वारा लिये गये निर्णय को ही अंतिम माना जाएगा:–

क्रमांक	विधि पदाधिकारी का पदनाम	विवेक के आधार पर अनुमान्य अतिरिक्त शुल्क
1.	वरीय अपर महाधिवक्ता	रू0 50,000/–
2.	अपर महाधिवक्ता	रू0 40,000/–
3.	स्थायी सलाहकार	रू0 30,000/–
4.	राजकीय अधिवक्ता	रू0 20,000/–
5.	सरकारी अधिवक्ता	रू0 10,000/–

10. माननीय पटना हाई कोर्ट के लिए 02 (दो) पैनल अधिवक्ता नियुक्त किए जाएंगे। उन्हें महाधिवक्ता कार्यालय में नियुक्त स्थायी सलाहकार को उपरोक्त सारणी–2 में सौपें गये कार्य के लिए अनुमान्य शुल्क के समतुल्य शुल्क देय होगा।

(कृ0पृ0उ0)

11. महाधिवक्ता कार्यालय में नियुक्त विधि पदाधिकारियों को माननीय सर्वोच्च न्यायालय, नई दिल्ली एवं मुख्यालय से बाहर किसी भी माननीय न्यायालय एवं न्यायाधिकरण में राज्य सरकार का पक्ष रखने हेतु आवागमन एवं आवासन की सुविधा निम्नरूपेण देय होगी:–

क्रमांक	विधि पदाधिकारी का पदनाम	माननीय सर्वोच्च न्यायालय में पक्ष रखने के लिए आवासन एवं आवागमन हेतु निर्धारित अनुमान्यता	मुख्यालय से बाहर किसी अन्य माननीय न्यायालय एवं न्यायाधिकरण में पक्ष रखने के लिए आवासन एवं आवागमन हेतु निर्धारित अनुमान्यता
1.	महाधिवक्ता	वायुयान – बिजनेस क्लास रेल द्वारा– प्रथम श्रेणी वातानुकूलित स्थानीय परिवहन:– कार/टैक्सी अधिकतम प्रतिपूर्ति रू0 3,000/– आवासन :– झारखंड भवन में कमरा उपलब्ध नहीं रहने की परिस्थिति में कहीं किसी अन्य स्थान पर आवासित होने पर पर अधिकतम प्रतिपूर्ति रू0 5,000/–	वायुयान – बिजनेस क्लास रेल द्वारा – प्रथम श्रेणी वातानुकूलित स्थानीय परिवहन:– कार/टैक्सी अधिकतम प्रतिपूर्ति रू0 3,000/– आवासन :– अधिकतम प्रतिपूर्ति रू0 5,000/–
2.	वरीय अपर महाधिवक्ता/अपर महाधिवक्ता एवं अन्य विधि पदाधिकारीगण	वायुयान – इकॉनोमी क्लास रेल द्वारा – द्वितीय श्रेणी वातानुकूलित स्थानीय परिवहन:– कार/टैक्सी अधिकतम प्रतिपूर्ति रू0 2,000/– आवासन :– झारखंड भवन में कमरा उपलब्ध नहीं रहने की परिस्थिति में कहीं किसी अन्य स्थान पर आवासित होने पर पर अधिकतम प्रतिपूर्ति रू0 3,000/–	वायुयान – इकॉनोमी क्लास रेल द्वारा – द्वितीय श्रेणी वातानुकूलित स्थानीय परिवहन:– कार/टैक्सी अधिकतम प्रतिपूर्ति रू0 2,000/– आवासन :– अधिकतम प्रतिपूर्ति रू0 3,000/–

12. आभासी (Virtual) एवं ऑनलाईन माध्यम से माननीय सर्वोच्च न्यायालय, नई दिल्ली एवं मुख्यालय से बाहर किसी भी माननीय न्यायालय एवं न्यायाधिकरण में राज्य सरकार का पक्ष रखने हेतु किसी भी प्रकार का दैनिक शुल्क अनुमान्य नहीं होगा।

13. The Jharkhand Law Officers (Engagement) Rule, 2026 में वर्णित प्रावधानों के तहत नियुक्त किये जाने वाले विशेष अधिवक्ता (Special Counsel) के शुल्क का भुगतान उनके द्वारा समर्पित शुल्क संरचना के आधार पर किया जाएगा।

(कृ0पृ0उ0)

14 प्रस्तावित शुल्क निर्धारण अधिसूचना निर्गत होने के अगले माह की प्रथम तिथि से प्रभावी होगा एवं शुल्क पुनरीक्षण संबंधी पूर्व में निर्गत सभी विधि विभागीय राज्यादेश एवं पत्र निरस्त समझे जाएगें।

15 प्रस्ताव पर मंत्रिपरिषद की दिनांक–21.07.2026 को संपन्न बैठक में मद संख्या–49 के रूप में स्वीकृति प्राप्त है।

झारखंड राज्यपाल के आदेश से,

नीरज 24/7/26

(नीरज कुमार श्रीवास्तव)
प्रधान सचिव–सह–विधि परामर्शी
विधि विभाग, झारखण्ड, राँची।

ज्ञापांक–03 / विधि–शुल्क–33 / 2020–**1613** / जे0 राँची, दिनांक– **24** जुलाई, 2026

प्रतिलिपि– महानिबंधक, माननीय झारखंड उच्च न्यायालय, राँची / महाधिवक्ता, झारखंड, राँची / माननीय मुख्यमंत्री जी के अपर मुख्य सचिव, झारखंड, राँची / सभी अपर मुख्य सचिव, झारखंड / सभी प्रधान सचिव, झारखंड / सभी सचिव, झारखंड / सभी विभागाध्यक्ष, झारखंड / सभी उपायुक्त, झारखंड / माननीय विधि (मुख्य) मंत्री जी के आप्त सचिव / मुख्य सचिव, झारखंड के संयुक्त सचिव को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

नीरज 24/7/26

(नीरज कुमार श्रीवास्तव)
प्रधान सचिव–सह–विधि परामर्शी
विधि विभाग, झारखण्ड, राँची।

ज्ञापांक–03 / विधि–शुल्क–33 / 2020–**1613** / जे0 राँची, दिनांक– **24** जुलाई, 2026

प्रतिलिपि– कोषागार पदाधिकारी, सचिवालय कोषागार, प्रोजेक्ट भवन, धुर्वा, राँची / कोषागार पदाधिकारी, सचिवालय कोषागार, नेपाल हाउस, डोरंडा, राँची / सभी कोषागार पदाधिकारी, जिला कोषागार, झारखंड / सभी उप कोषागार पदाधिकारी, उप कोषागार, झारखंड को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

नीरज 24/7/26

(नीरज कुमार श्रीवास्तव)
प्रधान सचिव–सह–विधि परामर्शी
विधि विभाग, झारखण्ड, राँची।

Annexure-IV

Government of Jharkhand
Department of Law

--:: NOTICE ::-

Subject :- Inviting online applications for appointment of Law Officers in the Office of the Learned Advocate General, Hon'ble High Court of Jharkhand, Ranchi.

1. In accordance with the provisions of The Jharkhand Law Officer (Engagement) Rules, 2026, Department of Law, Government of Jharkhand invites online application for the following posts in the Office of the Learned Advocate General, Hon'ble High Court of Jharkhand, Ranchi.

Sl. No.	Name of the Post of Law Officer	No. of Post
1.	2.	3.
(1)	Senior Additional Advocate General	01
(2)	Additional Advocate General	03
(3)	Standing Counsel	02
(4)	Government Pleader	05
(5)	Government Advocate	40
(6)	Law Research Officer	10

2. Eligible applicants are required to submit their duly filled application in the prescribed application format (Annexure-I) along with self-attested copies of all relevant documents in PDF format through email only.

   email address for submission of application :- **lawofficerapt@jharkhandmail.gov.in**

3. No application will be entertained in offline / physical mode.

4. Applications received after the prescribed closing date i.e. 11th August, 2026 shall not be entertained under any circumstances.

5. Eligibility criteria will under the provision of The Jharkhand Law Officer (Engagement) Rules, 2026

6. The Monthly Retainership Fee, Allowances and Other Charges for the Law Officer to be appointed will be determined in accordance with the fee structure specified in the relevant State Government Order No.-1613/J dated 24.07.2026 and Order No.-1696/J dated 31.07.2026 issued by the Department of Law, Government of Jharkhand.

7. All selection process will be held under the provisions of The Jharkhand Law Officer (Engagement) Rules, 2026.

Principal Secretary-cum-L.R.
Department of Law,
Government of Jharkhand, Ranchi

Annexure-I

APPLICTION FORM

Affix Photo Here

1.	Name	:-	
2.	Enrolment No.	:-	
3.	Address & Contact Details	:-	
4.	Qualification In Law	:-	
5.	Position/S Applied For	:-	
6.	Particulars Of Prior Empanelment/S As Law Officer	:-	
7.	Work Experience Of The Last 5 Years	:-	
8.	Family Members / Relatives In The Legal Profession And Judicial Services	:-	
9.	Domain Expertise & Citations Of Maximum 25 Nos. Of Latest Judgments With Short Note (To Be Enclosed Separately) On The Law Points Involved Therein Argued By The Applicant	:-	

_____

SIGNATURE OF APPLICANT

NOTE :-

1. Applicant shall be deemed to have read and understood the Jharkhand Law Officer (Engagement) Rules, 2026 prior to submitting an application.
2. Furnishing incorrect information will lead to disqualification and disempanelment.
3. An Applicant may apply for as many posts for which he / she may be qualified but appointment will be given for **ONE POST ONLY** at the sole discretion of the Government.
4. Applicant is required to attach the documents related to Enrolment no./Qualification/ Particulars of prior empanelment/ Work experience and Domain Expertise & Citations of Maximum 25 Nos. of Latest Judgments with short note on the law points involved therein argued by the Applicant in PDF format.