



2026:KER:49961

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. SOUMEN SEN

&

THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.

WEDNESDAY, THE 8TH DAY OF JULY 2026 / 17TH ASHADHA, 1948

WP(PIL) NO. 152 OF 2025

PETITIONER:

ADV. SUDHEER P.S., AGED 50 YEARS
S/O PRABHAKARAN, VALIAYAVEEDU, ARUMANOOR,
POOVAR, THIRUPURAM, PUVAR, THIRUVANANTHAPURAM,
KERALA, PIN - 695525

BY ADVS.

SRI.S.K.ADHITHYAN
SMT.SHAHINA NOUSHAD
SHRI.KRISHNA S. KARUNAKARAN
SHRI.ANU CHANDRAKUMAR

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY ITS CHIEF SECRETARY,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 2 THE SECRETARY, HOME DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-, PIN - 695001
- 3 THE SECRETARY, LAW DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 4 THE REGISTRAR GENERAL,
THE HIGH COURT OF KERALA,
ERNAKULAM-, PIN - 682031



..2.

- 5 THE REGISTRAR (DISTRICT JUDICIARY) ,
THE HIGH COURT OF KERALA,
ERNAKULAM- , PIN - 682031

- 6 DISTRICT COLLECTOR,
KOLLAM DISTRICT, DISTRICT COLLECTORATE,
KOLLAM CIVIL STATION, KANKATHU MUKKU,
KOLLAM- , PIN - 691013

BY ADVS.
SPL.GOVERNMENT PLEADER REMA R.
SHRI.HARIKUMAR G. (GOPINATHAN NAIR)
ADDL.DIRECTOR GENERAL OF PROSECUTION
SHRI.B.G.HARINDRANATH (SR.)
SHRI.K.JAJU BABU, ADVOCATE GENERAL
SHRI.P.DEEPAK (SR.) AMICUS CURIAE

THIS WRIT PETITION (PUBLIC INTEREST LITIGATION)
HAVING COME UP FOR ADMISSION ON 08.07.2026, ALONG WITH
WP(PIL).131/2026, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



..3.

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. SOUMEN SEN

&

THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.

WEDNESDAY, THE 8TH DAY OF JULY 2026 / 17TH ASHADHA, 1948

WP(PIL) NO. 131 OF 2026

PETITIONER:

VISHNUPRASAD NAIR, AGED 41 YEARS
S/O LATE SURENDRAN NAIR, 3RD FLOOR,
POOTHULLIES BUILDING, KOMBARA JUNCTION,
ERNAKULAM, PIN - 682018

BY ADVS.
SRI.S.K.ADHITHYAN
KUM.NIHARIKA HEMA RAJ

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY ITS CHIEF SECRETARY, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
- 2 THE SECRETARY
HOME DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 3 THE SECRETARY
LAW DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 4 THE REGISTRAR GENERAL
THE HIGH COURT OF KERALA,
ERNAKULAM, PIN - 682031
- 5 THE REGISTRAR (DISTRICT JUDICIARY)



..4.

THE HIGH COURT OF KERALA,
ERNAKULAM, PIN - 682031

- 6 DISTRICT COLLECTOR
THIRUVANANTHAPURAM DISTRICT, DISTRICT
COLLECTORATE, KODAPANAKUNNU CIVIL STATION,
THIRUVANANTHAPURAM, PIN - 695043
- 7 DISTRICT COLLECTOR
KOLLAM DISTRICT, DISTRICT COLLECTORATE,
KOLLAM CIVIL STATION, KANKATHU MUKKU,
KOLLAM, PIN - 691013
- 8 DISTRICT COLLECTOR
PATHANAMTHITTA DISTRICT, DISTRICT COLLECTORATE,
CIVIL STATION, PATHANAMTHITTA, PIN - 689645
- 9 DISTRICT COLLECTOR
ALAPPUZHA DISTRICT, DISTRICT COLLECTORATE, 1ST
FLOOR, CIVIL STATION, ALAPPUZHA, PIN - 688001
- 10 DISTRICT COLLECTOR
KOTTAYAM DISTRICT, DISTRICT COLLECTORATE,
CIVIL STATION, KOTTAYAM, PIN - 686001
- 11 DISTRICT COLLECTOR
IDUKKI DISTRICT, DISTRICT COLLECTORATE,
KUYILMALA, PAINAVU P.O, IDUKKI, PIN - 685603
- 12 DISTRICT COLLECTOR
ERNAKULAM DISTRICT, DISTRICT COLLECTORATE,
CIVIL STATION, KAKKANAD, ERNAKULAM, PIN - 682030
- 13 DISTRICT COLLECTOR
THRISSUR DISTRICT, DISTRICT COLLECTORATE,
CIVIL STATION, AYYANTHOL, THRISSUR, PIN - 680003
- 14 DISTRICT COLLECTOR
PALAKKAD DISTRICT, DISTRICT COLLECTORATE,
CIVIL STATION, PALAKKAD, PIN - 678001
- 15 DISTRICT COLLECTOR
MALAPPURAM DISTRICT, DISTRICT COLLECTORATE,



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CIVIL STATION, MALAPPURAM, PIN - 676505

- 16 DISTRICT COLLECTOR
KOZHIKODE DISTRICT, DISTRICT COLLECTORATE, CIVIL
STATION, KOZHIKODE, PIN - 673020
- 17 DISTRICT COLLECTOR
KANNUR DISTRICT, DISTRICT COLLECTORATE, CIVIL
STATION, THAVAKKARA, KANNUR, PIN - 670002
- 18 DISTRICT COLLECTOR
WAYANAD DISTRICT, DISTRICT COLLECTORATE, CIVIL
STATION, NORTH KALPETTA, PIN - 673122
- 19 DISTRICT COLLECTOR
KASARAGOD DISTRICT, DISTRICT COLLECTORATE, CIVIL
STATION, KASARAGOD-, PIN - 671123
- 20 UNION OF INDIA
REPRESENTED BY ITS SECRETARY, MINISTRY FOR LAW
AND JUSTICE, SASTHRI BHAVAN,
NEW DELHI, PIN - 110001

BY ADVS.
GOVERNMENT PLEADER
SHRI.HARIKUMAR G. (GOPINATHAN NAIR)
SHRI.K.JAJU BABU, ADVOCATE GENERAL

THIS WRIT PETITION (PUBLIC INTEREST LITIGATION)
HAVING COME UP FOR ADMISSION ON 08.07.2026, ALONG WITH
WP(PIL).152/2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



JUDGMENT

Dated this the 8th day of July, 2026

Soumen Sen, C.J.

We have heard the learned Advocate General, the learned Senior Counsel for the High Court Administration, the learned Amicus Curiae and the respective learned counsel appearing for the parties.

2. The learned Amicus Curiae has expressed the view that Clause (3) of the Draft Circular produced along with memo dated 06.07.2026 does not categorically give primacy to the opinion of the learned District Judge in the matter of preparation of the panel.

3. The learned counsel for the petitioner in W.P.(PIL) No.131 of 2026 submitted that the draft circular does not give due weight to the opinion of the learned District Judge while preparing the panel of names of persons to be appointed as Public Prosecutors. The learned counsel for the petitioner in W.P.(PIL) No.152 of 2025 submitted that



..7.

the inclusion of the District Police Chief in Clause (2) of the draft circular is not in conformity with the Act.

4. After giving anxious consideration to the aforesaid submissions, we feel that the only modification called for is in Clause (3) of the said draft circular where, instead of the expression “due regard”, the expression “due primacy” shall be used.

5. Insofar as the involvement of the District Police Chief is concerned, there is a logic behind it as the inputs of the District Police Chief would benefit the stakeholders to take a conscious decision with regard to the selection of a person. The opinion of the District Police Chief is not conclusive, but is intended merely to assist the committee to find out the antecedent of the candidate, which, having regard to the importance of the office, should be free from any doubt.

6. On such consideration, the draft Circular with the modification suggested above is approved.



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7. We place on record our appreciation for the valuable assistance rendered by the learned Amicus Curiae.

8. The writ petitions are disposed of accordingly.

Sd/-
Soumen Sen
Chief Justice

Sd/-
Syam Kumar V.M.
Judge

ds 08.07.2026



APPENDIX OF WP(PIL) NO. 152 OF 2025

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE CERTIFICATE OF PRACTICE ISSUED TO THE PETITIONER BY THE BAR COUNCIL OF KERALA DATED 29/01/2024
- Exhibit P2 TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN WP(C) 23838/2021, 2025:KER:30823
- Exhibit P3 TRUE COPY OF THE NOTICE NO. DCKLM-10164/2024-M2 DATED 7/11/2025 ISSUED BY THE 6TH RESPONDENT ALONG WITH ENGLISH TRANSLATION
- Exhibit P4 TRUE COPY OF THE NOTICE NO. DCKLM-12429/2024-M2 DATED 2/12/2024 ISSUED BY THE 6TH RESPONDENT ALONG WITH ENGLISH TRANSLATION
- Exhibit P5 TRUE COPY OF THE CIRCULAR NO. INS-B1/31/2025-LAW DATED 3/12/2025 ISSUED BY 3RD RESPONDENT



APPENDIX OF WP(PIL) NO. 131 OF 2026

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE CERTIFICATE DATED 03.06.2026 OF PRACTICE ISSUED TO THE PETITIONER BY THE BAR COUNCIL OF KERALA
- Exhibit P2 TRUE COPY OF THE JUDGMENT DATED 09.04.2025 OF THIS HON'BLE COURT IN WP(C) 23838/2021, 2025:KER:30823
- Exhibit P3 TRUE COPY OF THE NOTICE NO. DCKLM-10164/2025-M2 DATED 7/11/2025 ISSUED BY THE 8TH RESPONDENT ALONG WITH ENGLISH TRANSLATION
- Exhibit P4 TRUE COPY OF THE ORDER IN W.P(PIL) NO. 152/2025 DATED 27/11/2025
- Exhibit P5 TRUE COPY OF THE CIRCULAR NO. INS-B1/31/2025-LAW DATED 3/12/2025
- Exhibit P6 TRUE COPY OF THE LAW COMMISSION OF INDIA OF 197TH REPORT ON PUBLIC PROSECUTORS APPOINTMENT DATED 31.07.2026