



2026:KER:53149

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE VIJU ABRAHAM

THURSDAY, THE 16TH DAY OF JULY 2026 / 25TH ASHADHA, 1948

WP(C) NO. 21622 OF 2026

PETITIONER:

**ANIL KUMAR P.R.
AGED 60 YEARS
S/O.RAMAKRISHNAN NAIR,
RESIDING AT GOURISANKARAM,
MANDIRAM.P.O, RANNY,
PATHANAMTHITTA, PIN - 689672**

**BY ADVS.
SRI.S.MUHAMMED HANEEFF
SRI.M.H.ASIF ALI
SRI.ASHIK ALI M.H.
SRI.ARAVIND T RAMESH
SMT.VISMAYA JAYARAJ
SRI.SURJITH T. M.**

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF LAW, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001**
- 2 THE LAW SECTRETARY
DEPARTMENT OF LAW, GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001**



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**3 THE DISTRICT COLLECTOR
PATHANAMTHITTA, COLLECTORATE,
PATHANAMTHITTA, PIN - 689645**

BY ADV.

SRI.SACHIN RAMESH, GOVERNMENT PLEADER

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 16.07.2026, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**



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VIJU ABRAHAM, J.

W.P.(C) No.21622 of 2026

Dated this the 16th day of July, 2026

JUDGMENT

The above writ petition is filed challenging Ext.P4 communication dated 18.03.2026 issued by the 2nd respondent, to the extent it refuses to consider the petitioner's application for re-appointment / extension solely on the ground of age bar provided under the Kerala Government Law Officers (Appointment and Conditions of Services) and Conduct of Cases Rules, 1978 (hereinafter referred to as 'Rules, 1978').

2. The petitioner was appointed as an Additional Government Pleader and Additional Public Prosecutor in the Additional District and Sessions Court-II, Pathanamthitta as per Ext.P1 Government Order, for a period of three years from the date of assumption of charge or until attaining the age of 60 years, whichever is earlier. The petitioner attained the age of 60 years on 20.05.2026. The petitioner submits that Rule 9 of the 'Rules, 1978' stipulates that service of any such person appointed as Government Law Officer as District



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Government Pleader and Public Prosecutor shall automatically terminate on his attaining the age of 60 years. Thereupon, the petitioner submitted a representation before the 2nd respondent for extension / re-appointment by granting age relaxation. The same has been rejected as per Ext.P4, for the reason that the petitioner has attained the age of 60 years.

3. The petitioner submits that in respect of all other Government Pleaders and Public Prosecutors in Pathanamthitta District, whose three year terms had expired, were permitted to continue in the respective posts as per Ext.P6 proceedings. The petitioner submits that the petitioner is not holding a civil post under the State and therefore, the provisions of 'Rules, 1978' are not applicable to the case of the petitioner. The petitioner relied on the judgment of this Court in **Joseph P.T. (Advocate) v. State of Kerala [2026 KHC Online 195]**, **State of Kerala and others v. P.P. Biju [2022 (2) KHC 717]** and the judgment in suo motu writ petition initiated by the **High Court v. State of Kerala [2025 (3) KHC 301]** in support of his contention.

4. The learned Government Pleader, upon instructions, submits that, since the petitioner had completed the age of 60 years, his service was terminated. In respect of the other District



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Government Pleaders and Public Prosecutors who had not exceeded the age of 60 years, their assignments were extended until fresh appointments were made or they attained the age of 60 years. The learned Government Pleader further submits that, in place of the petitioner, additional charge has been assigned to another Public Prosecutor and therefore, the functioning of the Court is going on smoothly.

5. Heard the contentions on both sides.

6. The petitioner was appointed as per Ext.P1 as early as 2023 for a period of three years or until he attained the age of 60 years. The petitioner accepted the appointment offer as early as in 2023 with the said rider that he had to demit office on attaining the age of 60 years. The petitioner did not choose to challenge the same when Ext.P1 order was issued, and the petitioner challenged the same only after attaining the stipulated age of 60 years, seeking re-appointment and continuation in the post. The petitioner if aggrieved by the rider ought to have refused the offer of appointment.

7. A perusal of Ext.P4 would reveal that the petitioner's assignment has been terminated for the reason that he has completed the age of 60 years and perusal of Ext.P6 would reveal that



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the other Government Pleaders was permitted to continue till they attained the age of 60 years. Therefore, the contention that the petitioner has been discriminated, is without any basis.

8. In the suo motu writ petition initiated by the High Court in the case cited supra, the Court was considering issuance of directions, for improving the procedure for appointing Public Prosecutors under Section 24(3) of the Code of Criminal Procedure, 1973, in the State and ensuring their timely appointment. The Division Bench of this Court only held that in the matter of appointment of Public Prosecutors, the procedures as contemplated under Section 24(3) of the Cr.P.C. (Section 18 of the Bharatiya Nagarik Suraksha Sanhita, 2023) has to be adopted and not as per the provisions of the 'Rules, 1978'.

9. This Court, in **Joseph P.T.**'s case (supra), only followed the observations made by the Division Bench of this Court. Coming to the decision in **P.P. Biju**'s case (supra), it was a case where, after the term of the Government Pleader expired, the writ petitioner therein, who was appointed as a Government Pleader, on attainment of age of 60 years, duly informed the District Collector about the same and sought directions regarding the steps to be taken in the matter,



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including the handing over of charge, etc. and the writ petitioner therein continued to perform the duties and responsibility as a Government Advocate as he felt that till a new appointee replaces him or till alternate arrangement by way of additional charge, etc., is ordered by the competent authority like the District Collector he should continue and since no alternative arrangements were made, the writ petitioner thereafter continued for the period from 29.11.2019 onwards even though he had completed the upper age limit of 60 years on that day. The grievance raised by the petitioner therein was that he was not paid the remuneration for the said extended period. The Division Bench of this Court, taking note of the fact that the petitioner had, in fact, worked, held that, though KGLO Rules mandates that the incumbent could continue for a period of three years from the date of assumption, or till the date of completion of 60 years, the rules and instructions are silent whatsoever about the scenario like the present case, wherein no replacement is made by the authorities concerned or where no charge arrangements are made, accepted the stand taken by the learned Single Judge that the writ petitioner therein has fully acted bona fide in the best interest of the State Government and the Departments concerned as a litigant before the Civil Court concerned, and directed to



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pay the due remuneration to the writ petitioner therein.

10. The facts of the case in **P.P. Biju**'s case is different from the facts of the present case. In the present case the assignment of the petitioner has been terminated and duly informed. Therefore, the said judgment is not applicable at all. In the present case, the petitioner, having completed 60 years of age, his request for reassignment/reappointment was considered by the Government and rejected as per Ext.P4. Further, an alternative arrangement has been made by the Government giving additional charge to the existing Public Prosecutor.

Taking into consideration the above facts and circumstances, I find no reason to interfere with Ext.P4 order. The writ petition is accordingly dismissed.

Sd/-

VIJU ABRAHAM

JUDGE

spk



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APPENDIX OF WP(C) NO. 21622 OF 2026

PETITIONER'S EXHIBITS

Exhibit P1	TRUE COPY OF THE APPOINTMENT ORDER G.O.(MS) NO.38/2023/LAW DATED 22/05/2023
Exhibit P2	TRUE COPY OF THE RELEVANT PORTION OF THE KERALA GOVERNMENT LAW OFFICERS (APPOINTMENT AND CONDITIONS OF SERVICE) AND CONDUCT OF CASES RULES, 1978
Exhibit P3	TRUE COPY OF THE REPRESENTATION DT. 06/03/2026 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT
Exhibit P4	TRUE COPY OF THE COMMUNICATION DATED 18/03/2026 ISSUED BY THE 2ND RESPONDENT
Exhibit P5	TRUE COPY OF THE REPRESENTATION DT. 05/05/2026 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT
Exhibit P6	TRUE COPY OF G.O.(MS) NO.68/2026/LAW DATED 17/06/2026