IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
WP No. 158 of 2026

CNR No.: MPHC010003682026

(YOGESH SONI Vs ***THE STATE OF MADHYA PRADESH AND OTHERS)***

Dated : 26-11-2026

Mr. Dinesh Kumar Upadhyay - Advocate for petitioner.

Mr. Tushar Mehta - Solicitor General of India (through video conferencing) with Mr. Swapnil Ganguly - Deputy Advocate General for the respondents-State.

Mr. Vasant Daniel - Advocate for respondent No.164.

Mr. Mihir Lunawat, Ms. Ridhima Suri & Mr. Ankit Chopra - Advocates for the other respective respondents.

Heard on IA Nos.26834 of 2026 & 27117 of 2026:

These two separate interim applications have been filed in the pending petition with regard to the appointment/engagement of the Law Officers in the office of the Advocate General in Madhya Pradesh. However, the reliefs claimed in both the applications are identical and hence, prayer clause of IA No.26834 of 2026 is reproduced hereunder:-

> *"I. Stay the operation and implementation of the fresh invitation of applications for engagement/appointment of Law Officers in the Office of the Advocate General, Madhya Pradesh, inviting applications from 16.11.2026 to 28.11.2026, and restrain the respondents from proceeding with the consequential selection and appointment process during pendency of the present writ petition;*
>
> *II. Alternatively, restrain the respondents from finalising the selection, issuing appointment/engagement orders or creating*

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third-party rights pursuant to the fresh invitation without prior leave of this Hon'ble Court;

III. Direct the respondents to place on record the complete selection procedure, objective criteria, evaluation methodology, relevant Government instructions and the manner in which the considerations prescribed under the Gazette Notification dated 28.02.2013 are proposed to be applied;

IV. Direct the respondents to produce the relevant records pertaining to the recommendations, scrutiny, evaluation and selection of candidates in the impugned appointment process, to the extent considered necessary by this Hon'ble Court;

V. Grant an ad-interim order in terms of prayer clause (i), or alternatively clause (ii), pending consideration and disposal of the present application;

VI. Pass such other order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

2. Learned counsel for the applicants submitted that while the main petition is being actively considered, to frustrate the petition the subsequent development has taken place by which fresh applications for engagement/appointment of Law Officers (Additional Advocate General, Deputy Advocate General, Government Advocate and Deputy Government Advocate) in the office of the Advocate General at Jabalpur, Indore, Gwalior and New Delhi have been invited specifying the period between 16.11.2026 to 28.11.2026 by which the applications are to be given. It is their case that the said invitation for applications specifically refers to the Gazette Notification dated 28.02.2013 (for short "the 2013 Notification") and it is the case of the petitioner that the State is in breach of such Notification while it made the appointments, which is the subject matter of the main petition and

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it is the apprehension of the applicants that the same *modus* would be adopted once again to make the engagement/appointment in breach of the 2013 Notification. The applicants have, therefore, prayed that the implementation of fresh notification of applications for engagement/ appointment of Law Officers be stayed.

3. As against the aforesaid contentions, learned Solicitor General of India, by drawing attention of this Court to the Notification dated 27.02.2013 published in the M.P. Gazette (Extraordinary) dated 28.02.2013, submitted that a proper procedure has been prescribed by which such appointments/ engagements are to be made. It is submitted that previously there was no guideline for undertaking such an exercise and therefore, previously such appointments were made in indiscriminate manner, which lacked any transparency of providing an opportunity to the members of the Bar equally. As against this, there is a structured framework under the guidelines, which will provide equal opportunity to eligible candidates and will also be transparent.

4. The Court has considered the submissions of the learned counsel appearing for the applicants whose main relief in the present interim applications is to stay the process of appointing the Law Officers (Additional Advocate General, Deputy Advocate General, Government Advocate and Deputy Government Advocate) in the office of the Advocate General, which will amount to continuing of the Law Officers whose appointments are the subject matter of challenge by the petitioner/applicant himself. This stand of the applicants has perplexed the Court - as granting of an interim relief would undoubtedly result in continuation of the previous panel or if the

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tenure of the panel expires then there would be no advocate on the panel to represent the cases of the Government.

5. The Court has perused the Notification dated 27.02.2013, which lays down the guidelines to undertake the process of appointing/engaging the advocates to the office of the Advocate General. A perusal of such Notification would indicate that the invitation is open with the prescribed eligibility and therefore, there is a transparency in the process due to which all the members of the Bar with necessary eligibility can openly make the application. The process also involves an element of selection where there is a role prescribed for the highest Law Officer of the State, namely, the Advocate General.

6. As the issue raised in the main petition only pertains to the process of appointment of a particular year, therefore, the Court does not find any reason to stall the process initiated by the State, which the Court is of the view, is in consonance with the guidelines issued vide Notification dated 27.02.2013.

7. In that view of the matter, no case is made out for grant of any interim or ad-interim relief at this stage. Both the applications (IA Nos.26834 and 27117 both of 2026), therefore, deserve to and are hereby dismissed.

(ALPESH Y. KOGJE)
CHIEF JUSTICE

(VIVEK JAIN)
JUDGE

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