

News

Was the promotion of a government pleader recommended by the Kerala High Court?



In a recent ruling, Justice DK Singh noted that despite meeting the requirements, a government pleader who was arguing before him had not yet been elevated to the position of Senior Government Pleader.

The Kerala High Court has made a statement regarding the elevation of a Government Pleader (GP) who appeared before it to Senior Government Pleader, according to multiple news sources. [**State of Kerala & Ors v. Deepa S & Anr**]

A closer examination of the decision **Justice DK Singh** issued reveals a different opinion, notwithstanding reports that he successfully supported Advocate Parvathy Kottol's elevation.

"Ms. Parvathy Kottol, the learned Government Pleader, who may be designated as Senior

Government Pleader as she has completed more than twelve years of practice and the Government has yet not designated her as Senior Government Pleader, for which the necessary decision is to be taken by the Government, submits that she would like to file objection to the interlocutory application No.1/2025 filed by the petitioner for which she seeks and is granted three weeks' time," the order of the Court dated May 26 states.

The order's language is the problem. According to one interpretation, the judge was pleading with the State to elevate a lawyer who had been before it. It is made abundantly evident by the wording "**for which the necessary decision is to be taken by the Government**" that the Court lacks the authority to designate or even recommend such promotions. At its discretion, the State government appoints and promotes general practitioners and senior general practitioners.

The most significant point is: why, in a subject that was wholly unrelated, did the judge record such a statement in his order?

The wife and daughter of a deceased assistant educational officer petitioned for the order to be issued in order to receive the death-cum-retirement gratuity that was owed to them. GP Kottol requested time at a hearing in order to object to a petitioners' application. Justice Singh made the observation that Kottol had not yet been promoted while recording her submission.

It's unclear from the observation's wording if this amounts to a recommendation for her promotion or if it's merely a casual remark. Even when it comes to the selection of government attorneys who appear before it, the judiciary is typically expected to abstain from state policy decisions.

On June 26, the next hearing date, the Court might make its position clear.

The State government selects GPs and Senior GPs from a panel of advocates provided by the Kerala Advocate General in accordance with the Kerala Government Law Officers (Appointment and Conditions of Service) and Conduct of Cases Rules, 1978.

Attorneys who have practiced before the High Court for at least three years and served as High Court advocates for at least seven years are eligible to be nominated as general practitioners. Lawyers must have practiced before the High Court for at least five years and been an advocate for the court for at least ten years in order to be appointed as a Senior GP.

Kottol satisfies the requirements to be designated as a Senior GP, having been appointed as a GP in 2021. However, the State administration has not yet announced any such appointments.

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