

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1966 of 2013

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Bihar State Bar Council Through Its Officiating Secretary Mr. Ashok Kumar S/O Late Sheo Nandan Prasad R/O Bihar State Bar Council Bhawan, Patna

.... Petitioner/s

Versus

1. The Union Of India Through The Law Secretary, Ministry Of Law & Justice, Government Of India, New Delhi
2. The State Of Bihar Through The Chief Secretary, Government Of Bihar, Old Secretariat, Patna
3. The Patna High Court Through Registrar General, Patna High Court, Patna
4. The Law Secretary, Department Of Law, Government Of Bihar, Patna
5. The Principal Secretary, Department Of Home, Government Of Bihar, Patna
6. The District & Session Judge, Rohtas At Sasaram
7. The Director, Director Of Prosecution, Government Of Bihar, Patna
8. The District Magistrate, Rohtas At Sasaram

.... Respondent/s

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Appearance :

For the Respondent/s : Mr. S.Raza Ahmad AAG-9

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 04-01-2016 No one appears on behalf of the petitioner.

Mr. Bibhuti Pd. Pandey for the intervenor respondent and
Mr. Vishambhar Prasad for the State are present.

The writ application questions the legality of the resolution issued by the government in the Law Department on 08.11.2012 resolving to fill up 50% of the posts of Public Prosecutors/Additional Public Prosecutors from the Assistant Public Prosecutor appointed under section 25 of the Code of Criminal Procedure Code (for short 'the Code') and the remaining

50% from the Advocates under section 24 of the Code.

Mr. Prasad draws attention of the Court to Annexure-A to the counter affidavit filed on behalf the State and submits that several writ petitions raising similar issues have been considered and decided. If the petitioner is really aggrieved a writ appeal could have been filed after seeking leave of the Court. Similar stand has been taken by Mr. Pandey.

None appearance of the counsel for the petitioner, prima face, indicates that the petitioner has lost interest in pursuing the present writ petition. It is accordingly dismissed.

(Kishore Kumar Mandal, J)

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