

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

The Hon'ble Sri Justice V. RAMASUBRAMANIAN
and
The Hon'ble Sri Justice M. GANGA RAO

WRIT PETITION No.37941 OF 2017

Date:10.11.2017

Between:

Maddula Pamu Kondaiah S/ o. Bhikshalu
Age: about 40 years, Occ: Advocate,
C/ o. Bar Association, Machilipatnam,
Krishna District

...Petitioner

Vs.

The State of Andhra Pradesh, Rep. by
Its Principal Secretary, Law (L.A. & J-Home Courts.A1)
Department, Secretariat, Hyderabad and others.

... Respondents

For Petitioners : Sri Suresh Kumari Potturi

For Respondents :



HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON' BLE SRI JUSTICE M. GANGA RAO

WRIT PETITION No.37941 OF 2017

ORDER: (per V. Ramasubramanian, J)

The petitioner, who is working as a Public Prosecutor in the District of Krishna, has come up with the above writ petition seeking a mandamus to direct the respondents to consider his case for extension of tenure as Public Prosecutor.

2. Heard Mr. Suresh Kumar Potturi, learned counsel appearing for the petitioner. Learned Government Pleader for Home takes notice for the respondents 1 to 3.

3. The petitioner was appointed as a Public Prosecutor on 03.02.2014 for a term of three years. After the completion of the term, he is continuing till date under orders of extension.

4. Upon coming to know that the administration has started looking for a fresh candidate, the petitioner submitted a representation dated 28.08.2017. On the ground that the representation ought to have been considered in terms of the proviso to Instruction No.8 of the Andhra Pradesh Law Officers (Appointment and Conditions of Service) Instructions, 2000, the petitioner has come up with the above writ petition.

5. Instruction No.8 of the aforesaid instructions issued under G.O.Ms.No.187 Law Department, dated 06.12.2000, reads as follows:

“8. Term of Law Officers: Law Officers shall ordinarily be appointed for a term of three years. The Law Officers so appointed may be considered for a second term., if the Government are satisfied that he has proven efficiency, high rate of success and good performance and for a third term in exceptional cases:

Provided that Government Pleaders, Assistant Government Pleaders, Public Prosecutors and Additional Public Prosecutors in Subordinate Courts may be considered for appointment for a second term if their performance is very good and in the case of persons belonging to Scheduled Castes and Scheduled Tribes if their performance is satisfactory.”

6. Though there is no right conferred upon a person to seek extension and though in terms of Section 24 of the Code of Criminal Procedure, a procedure is to be followed, all that the petitioner is seeking is only a direction to consider his representation. Therefore, the writ petition is disposed of directing the District Collector to consider the representation of the petitioner and pass orders in accordance with law.

7. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

M. GANGA RAO, J

November 10, 2017
KTL

