

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6448 of 2022

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Ramprit Singh S/o Manikchand Singh, R/o Jai Prakash Nagar, Teliya Pokhar,
P.S.--Aurangabad, Dist.-Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary of Bihar Govt. Bihar, Patna.
2. District Magistrate of Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dr. Ajay Shankar Rajoo, Advocate
For the Respondent/s : Mr.Prabhat Kumar Verma (AAG-3)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 24-06-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“(a) That present writ Application in the nature of public interest litigation is being filed by the petitioner for quashing the vide letter no 74/J dated 06.01.2022 passed by respondents and same published in Newspaper Hindustan on 22.02.2022 in which given observation to apply for the post of special public prosecutors of SC-ST Act/Excise Act for income tax payee advocates who are eligible to fill up the forms for on the post of special P.P in Aurangabad Civil Court, Bihar which aforesaid such observations on the condition of income tax payee i.e. not maintainable and sustainable in the eye of law with regard to code of criminal procedure, 1973 in which stated clearcut about aforesaid posts only for experience of ten years practice from the date of

enrollment at place of the practice.

(b) That for commanding the respondents to fresh appointment of A.P.P. and Special P.P. on the basis of experience of advocates which is already provided in Cr.P.C. at the place of practice of entire civil court of Bihar because old P.P. and A.P.P. who have been working without any break from the long time which is bar to more than three years on A.P.P. and Special P.P. which are in empanel from long period contain in Annexure-1 which is fit to be set aside.”

The eligibility of also having three years of income tax return from the Advocates applying for the post of Special P.P., Excise in the advertisement, as contained in Annexure 1, is neither arbitrary nor discriminatory or unreasonable and it is within the domain of employer to lay down such conditions of eligibility for the said post to select advocates of standing.

There is no merit in this writ petition and is, accordingly, dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	