

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12299 of 2022

=====

Pramod Kumar Sharma Son of Sri Ram Krishna Sharma, Resident of Hathsar
Ward no. 2 new Garden School, P.O. - Anjanpir, P.S. - Town Hajipur, District
- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Department of Law, Government of Bihar, Patna.
2. Law Secretary, Department of Law, Government of Bihar, Patna.
3. Under Secretary to Government, Department of Law, Government of Bihar, Patna.
4. The District Magistrate, Vaishali, at Hajipur District Vaishali.
5. Public Prosecutor, Vaishali at Hajipur District Vaishali.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Durga Nand Jha, Advocate
For the Respondent/s : Mr.Md. Raisul Haque (Standing Counsel-10)

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-05-2023 The present writ petition has been filed
seeking the following reliefs:-

*“1. (i) Issuance of a writ in the nature of Mandamus directing and commanding the Respondents 2 to 4 to take appropriate steps and issue appropriate direction to respondent no. 5 to allot appropriate cases to petitioner before the courts uniformly equally and impartially and restrain the the respondent no. 5 from demanding the share in fees from Additional Public prosecutors including petitioner.
(ii) Issuance of an appropriate direction to respondent no. 4 i.e. District Magistrate, Vaishali to comply the*



directions of the Government contained in Memo no. 5924 dated 05.07.2022, so far it is related to petitioner and thereby take appropriate steps for redressal of grievances of petitioner related to allotment of cases and payment of due adequate fees with penal interest and adequate compensation which comes to Rs. 5,58,180=00 for the period 2015 to July 2022.

(iii) Issuance of an appropriate direction holding that since Public Prosecutor, Vaishali namely Sri Birendra Narayan Singh is not performing his duties honestly, regularly, impartially evident from CCTV, an appropriate direction is required to be issued to him by the competent Authority for regular and honest duties and to act impartially without harassing the petitioner.

(iv) Issuance of an appropriate direction to respondent no. 4 to hold an honest and impartial enquiry against respondent 5 on the basis of series of complaints submitted by the petitioner and to submit an impartial report to Respondents no. 2 and 3 for



taking appropriate steps and issue appropriate direction to respondent no. 5 with regard to his regular attendance, impartial allotment of cases to A.P.P. and to take steps for payment of proper fee etc.”

At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to approach the District Magistrate, Vaishali at Hajipur for redressal of his aforesaid grievances. Liberty so sought is granted.

It is needless to state that in case appropriate representation is filed within a period of two weeks from today before the District Magistrate, Vaishali at Hajipur, he shall enquire into the matter and pass a reasoned and a speaking order, thereon, within a period of six weeks, thereafter.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

S.Sb/-

U			
---	--	--	--

