IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK AGARWAL

ON THE 5th OF JANUARY, 2024

WRIT PETITION No. 20400 of 2022

BETWEEN:-

RAMCHARIT MISHRA S/O SHRI BHAIYARAM MISHRA, AGED ABOUT 64 YEARS, OCCUPATION: ADVOCATE (EX SPECIAL PUBLIC PROSECUTOR SC/ST COURT UMARIYA DISTRICT UMARIYA (M.P.) (MADHYA PRADESH)

.....PETITIONER

(BY SHRI YOGESH MOHAN TIWARI - ADVOCATE)

AND

1. **THE STATE OF MADHYA PRADESH THROUGH PRINCIPAL SECRETARY DEPARTMENT OF LAW AND LEGISLATIVE VALLABH BHAWAN BHOPAL (M.P.) (MADHYA PRADESH)**

2. **COLLECTOR UMARIYA DISTRICT UMARIYA (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI AMIT SHARMA - GOVERNMENT ADVOCATE)

WRIT PETITION No. 7360 of 2022

BETWEEN:-

RAMCHARIT MISHRA S/O SHRI BHAIYARAM MISHRA, AGED ABOUT 64 YEARS, OCCUPATION: SPECIAL PUBLIC PROSECUTOR SC/ST COURT UMARIYA, DISTRICT UMARIYA (M.P.) (MADHYA PRADESH)

.....PETITIONER

(BY SHRI YOGESH MOHAN TIWARI - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH PRINCIPAL SECRETARY >LAW AND LEGISLATIVE

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AFFAIRS DEPARTMENT VALLABH BHAWAN BHOPAL (MP) (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI AMIT SHARMA - GOVERNMENT ADVOCATE)

WRIT PETITION No. 21736 of 2022

BETWEEN:-

SURESH GOSHWAMI S/O LATE SHRI M.R. GOSWAMI, AGED ABOUT 62 YEARS, OCCUPATION: ADVOCATE / ADDITIONAL PUBLIC PROSECUTOR WARD NO. 10 SHAHDOL DISTRICT SHAHDOL M.P. (MADHYA PRADESH)

.....PETITIONER

(BY SHRI YOGESH MOHAN TIWARI - ADVOCATE)

AND

1. **THE STATE OF MADHYA PRADESH THROUGH ITS PRINCIPAL SECRETARY LAW AND LEGISLATIVE DEPARTMENT VALLABH BHAWAN BHOPAL (M.P.) (MADHYA PRADESH)**

2. **COLLECTOR SHAHDOL DISTRICT SHAHDOL (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI AMIT SHARMA - GOVERNMENT ADVOCATE)

WRIT PETITION No. 1160 of 2023

BETWEEN:-

NARAYAN SINGH MEWADA S/O SHRI KASHIRAM, AGED ABOUT 48 YEARS, OCCUPATION: SPECIAL PUBLIC PROSECUTOR SPECIAL COURT (SC AND ST PREVENTION OF ATROCITIES ACT) SEHORE DISTRICT SEHORE (MADHYA PRADESH)

.....PETITIONER

(BY SHRI YOGESH MOHAN TIWARI - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH PRINCIPAL SECRETARY DEPARTMENT OF LAW AND

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LEGISLATIVE VALLABH BHAWAN BHOPAL (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI AMIT SHARMA - GOVERNMENT ADVOCATE)

These petitions coming on for admission this day, the court passed the following:

ORDER

Petitioner's case is squarely covered by the ratio of decision of Hon'ble Division Bench in the case of ***Hanuman Prasad Shukla Vs. State of M.P. & Ors. (W.A. No. 1121 of 2022)*** decided on ***27.10.2022*** wherein the matter of continuation of services of Additional Public Prosecutor under the Madhya Pradesh Law and Legislative Affairs Department Mannual, Hon'ble Division Bench has held that continuance before age of 62 years is not permissible in terms of the provisions contained in the Mannual and circulars issued in this behalf will not supersede the provisions contained in the mannual.

Therefore, taking these facts in to consideration that the Madhya Pradesh Law and Legislative Affairs Department Mannual does not contemplate continuation of Public Prosecutor or Additional Public Public Prosecutors beyond the age of 62 years, petitioners are not entitled to claim any relief and therefore, petitions fail and are dismissed.

(VIVEK AGARWAL)
JUDGE

Amitabh

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