

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4788 of 2019

Manzer Hassan Khan Son of Late Nehal Hassan Khan Resident of Kaghzi Mohalla, Captaina Colony, P.S.- Bihar Sharif, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar and Ors through the Principal Secretary, Department of Law, Government of Bihar, Patna
2. The Special Secretary (Law), Govt. of Bihar, Patna.
3. The Secretary, Law Department, Bihar, Patna.
4. The Joint Secretary, Law Department, Bihar, Patna.
5. The District Magistrate, Nalanda at Biharsharif
6. Md. Qaiser Imam, Son of non known, Public Prosecutor Nalanda at Biharsharif

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Sinha, Sr. Advocate Mr. Javed Aslam, Advocate Mr. Rajiv Ranjan, Advocate Ms. Pratima Kumari, Advocate
For the Respondent/s	:	Mr. Prashant Pratap (Gp2)

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL ORDER

3 23-02-2026 This writ petition has been filed with the following prayers:

“1. That The Petitioner seeks indulgence of this Hon'ble High Court for the following relief/s:

A. A writ in the nature of CERTIORARI or any other appropriate writ/s, order/s direction/s quashing the following:-

i. The order dated 08.11.2018 issued by Secretary, Law Department, Government of Bihar, Patna the Respondent No. 3 as contained in Memo No. 9126 addressed to the District Magistrate, Nalanda at Biharsharif appointing the Respondent No. 6 as Public Prosecutor for three years for Nalanda District.



(Annexure – 10)

B. A writ in the nature of MANDAMUS or any other appropriate writ/s, order/s direction/s directing the respondent authorities the following:-

i. To treat the order contained in Annexure - 10 to be nullity and non-est in the eye of law.

ii. To treat the Petitioner to be Public Prosecutor Nalanda for 3 years excluding the period the Petitioner was removed from the office of Public Prosecutor and was not allowed to work.

iii. To extend the period for which the Petitioner was kept out of the office of illegally and not allowed to work as Public Prosecutor.

C. To any other relief/s to which the petitioner is found entitled to.”

2. By the prayer made in paragraph 1. A(i) and B(i) the petitioner has put to challenge the order dated 08.11.2018, whereby the respondent No. 6 was appointed as Public Prosecutor for the district of Nalanda for a period of three years by the respondent No. 3/Secretary, Law Department, Government of Bihar as contained in Memo No. 9126 addressed to the District Magistrate, Nalanda at Biharsharif.

3. Since, the appointment of respondent No. 6 as Public Prosecutor for the district of Nalanda, vide the impugned



appointment order dated 08.11.2018, was only for a period of three years, nothing survives in this writ petition to be adjudicated with regard to the legality of the impugned order dated 08.11.2018, as the validity of the said order has expired with the efflux of time.

4. Insofar as prayer made by the petitioner in paragraph 1. B(ii) and (iii) which is with regard to his earlier appointment as Public Prosecutor for three years for the district of Nalanda and termination of his appointment before the expiry of three-year tenure is concerned, the same has already been adjudicated by this Court in CWJC No. 10661 of 2017 filed by the petitioner and in LPA No. 402 of 2018 filed by the State of Bihar challenging the judgment and order passed in CWJC No. 10661 of 2017.

5. Since the prayers of the petitioner in writ petition, as made in paragraph 1. B(ii) and (iii), already stands adjudicated in the writ petition and the LPA mentioned above, the present writ petition shall also stand disposed of in terms of the adjudication made in the aforesaid writ petition and the LPA with regard to prayer made in 1. B(ii) and (iii) of the writ petition is concerned.

6. The writ petition is disposed of in the above terms.

(Nani Tagia, J)

Siddharth
Sagar/-

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