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WP-7210-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE MILIND RAMESH PHADKE

ON THE 2nd OF SEPTEMBER, 2026

WRIT PETITION No. 7210 of 2025

DINESH PANCHOLI

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Jayesh Gurnani - Advocate for the petitioner.

*Shri Tarun Pagare - Government Advocate appearing on behalf of
Advocate General for State of M.P.*

None for the respondent no.6.
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ORDER

The present writ petition is directed under Article 226 of the Constitution of India against the order dated 21.4.2023 passed by respondent no.2 whereby the the present respondent no.6 was appointed as Additional Public Prosecutor in the court of Additional Sessions Judge, Dr. Ambedkar Nagar, MHOW, district Indore.

2. At the outset this court finds that the impugned order herein was effective only for a period of one year or till the respondent no.6 attains the age of 62 years whichever is earlier and as the period of one year has already expired, the challenge to the aforesaid order is bad in law.

3. At this juncture, learned counsel for the petitioner submits that even after the end of term of appointment of respondent no.6, he is appearing as



Assistant Government Pleader which being without any authority, is required to be taken note of and a suitable writ is therefore required to be issued to the respondents to initiate action against respondent no.6 and further to appoint the petitioner or someone else as Assistant Government Pleader since the said post is lying vacant and the term of respondent no.6 has already expired.

4. The aforesaid contention has been opposed by learned counsel for the respondent -State and it has been submitted that the appointment of respondent no.6 was not for one year rather it was for three years therefore the respondent no. 6 appearance before the Courts at Dr. Ambedkar Nagar, MHOW, district Indore cannot be said to be bad. He thus supports the very case of respondent no.6. He also refers to Clause -20 of the Departmental Manual wherein term of office of Public Prosecutor/Government Pleader or Additional Public Prosecutor/Additional Government Pleader has been mentioned as not exceeding three years excluding the period of his probation and thus submits that since the very appointment of respondent no. 6 can be presumed to be for a period of three years, the petition has no force and it requires to be dismissed.

5. No one appears for respondent no.6.

6. Heard learned counsel for the parties and perused the record.

7. So far relief of quashment of order dated 21.4.2023 i.e. the appointment of respondent no. 6 as Additional Public Prosecutor at Dr. Ambedkar Nagar, MHOW, district Indore is concerned, since this court had already observed that the very period mentioned in the appointment of the



respondent no.6 i.e. one year or completion of 62 years, whichever is earlier, has already expired, the said relief since had rendered infructuous, it is not required to be gone into.

8. With regard to the contention of respondents that the appointment of respondent no. 6 in term of Clause -20 of Departmental Manual was for three years therefore his appearance before the courts as Additional Government Pleader cannot be faulted with is concerned, firstly it is not brought to the knowledge of this court whether the said Departmental Manual has any statutory force and secondly Clause -20 of the said Manual specifically mentions that appointment of Public Prosecutor/Government Pleader or Additional Public Prosecutor/Additional Government Pleader shall not exceed three years, which does not mean that any appointment shall be construed to be for a period of three years. It could only mean that the appointment can be made for the period upto three years, that suits to the employer and as the very period in the appointment letter of respondent no. 6 was mentioned as one year, it cannot be construed that it was for the period of three years in the light of aforesaid Manual, that on both the counts the arguments advanced by learned counsel for respondent -State has no force.

9. This court thus finds appearance of respondent no. 6 in cases as Additional Government Pleader to be without any authority.

10. However, this court instead of dwelling upon this issue in the present present writ petition deems it appropriate to leave it open to the respondents to consider the status of respondent no. 6 after expiry of his



tenure as Additional Government Pleader, but deems it expedient to direct the respondents to initiate process for fresh appointment and the petitioner herein shall be at liberty to participate said in the fresh process.

11. Let aforesaid exercise be completed within a period of eight weeks from today.

12. With the aforesaid observation, this petition stands disposed of.

(MILIND RAMESH PHADKE)
JUDGE

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