

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WP(C)No.540 of 2022
With
Cont.Cas(C)No.119 of 2021
With
MC(WP(C))No.100 of 2023
With
MC(WP(C))No.207 of 2023
With
WP(C)No.273 of 2023
With
WP(C)no.594 of 2022
With
WP(C)No.600 of 2022

Akoijam Bobby Singh & 9 Ors.

...Petitioners

- Versus-

State of Manipur & 2 Ors.

...Respondents

BEFORE
HON'BLE JUSTICE MR. JUSTICE A. GUNESHWAR SHARMA
ORDER

16.04.2024.

[1] Heard Mr. H. S Paonam, learned senior counsel for the petitioners, Mr. S. Niranjana, learned GA for the State respondents, Mr. Kh. Athouba, learned GA for all the respondents in Contempt case No.119 of 2021, Mrs. Momota Devi Oinam, learned counsel for MPSC and Mr. Y. Nirmolchand, learned senior counsel for the private respondent No.3.

[2] Mr. A. Neelakumar Singh was initially engaged as Special Public Prosecutor for conducting prosecution on behalf of the State Government of Manipur in the Districts & Sessions Court of Bishnupur and

designated as Special Public Prosecutor in Special Court (POCSO), Special Court of ND&PS, Bishnupur. Two other persons namely Mr. Leishangthem Danny Meitei and Mr. M. Raichand were appointed as Special Public Prosecutor for conducting prosecuting case on behalf of the State Government before various Courts. Thereafter, vide order dated 08.07.2022 issued by the Commissioner, Law Government of Manipur one Mr. M. Raichand Singh was regularized as Special Public Prosecutor and Mr. A. Neelakumar Singh as Additional Public Prosecutor(District).

[3] The petitioners herein who are Assistant Public Prosecutors are challenging the regularization order qua Mr. A. Neelakumar Singh on the ground that the post of Additional Public Prosecutor is a promotional post from the post of Assistant Public Prosecutor and it is against the judgement passed by this Court in various cases. Mr. Y. Nirmolchand, learned senior counsel appearing on behalf of private respondent No.3 has disputed this fact.

[4] From the perusal of the record, it is seen that 3(three) persons i.e. Mr. A. Neelakumar Singh (private respondent No.3 herein), one Mr. M. Raichand Singh and Leishangthem Danny Meitei were initially appointed as Special Public Prosecutor to prosecute before the various Special Courts in Manipur and subsequently, their services have been regularized. By the impugned order dated 08.07.2022, the service of Mr. M. Raichand was regularized as Special Public Prosecutor and that of Mr. A. Neelakumar Singh, private respondent No.3 as Additional Public Prosecutor. The petitioners herein are challenging the promotion qua A. Neelakumar Singh, only on the ground that he cannot be regularized against the post of Additional Public Prosecutor(District) which is essentially a promotional post

from the post of Assistant Public Prosecutor as per the relevant rules. Besides this, the petitioners are not challenging the competence and eligibility of the private respondent to be considered against the post of Special Public Prosecutor as done in the case of other incumbent.

[5] From the submission of the parties and nature of the regularization made by the Government, this Court is of the opinion that out of similarly situated persons, one person is regularized as Special Public Prosecutor and other as Additional Public Prosecutor. If the regularization of the private respondent against the post of Additional Public Prosecutor is made against the post of Special Public Prosecutor as done in the case of other similarly situated persons, the present issue can be resolved without affecting the rights of the parties.

[6] In order to make an amicable resolution of the dispute, Mr. S. Niranjana, learned GA is directed to seek instruction whether the regularization of Mr. A. Neelakumar Singh as Additional Public Prosecutor may be considered that of Special Public Prosecutor as done in the case of Mr. Moirangthem Raichand. In this regard, Mr. S. Niranjana, learned GA seeks four weeks' time to get proper instruction.

[7] List on 14.05.2024.

[8] Earlier interim order is extended till the next date.

[9] Furnish a copy of this order to Mr. S. Niranjana, learned GA for information.

JUDGE

John Kom