



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



D.B. Criminal Writ Petition No. 423/2025

Suo-Moto

----Petitioner

Versus

1. The Chief Secretary, Government Of Rajasthan, Govt. Secretariat, Jaipur.
2. The Registrar General, Rajasthan High Court, Jodhpur.
3. The Principal Secretary, Law And Legal Affairs Department, Government Of Rajasthan.
4. Shri Brahmanand Sandu, Advocate (Chamber No. 205, A-Block), Rajasthan High Court, Jaipur.

----Respondents

For Petitioner(s) : By Court Order
For Respondent(s) : Mr. A.K. Sharma, Sr. Adv. assisted by
Mr. Vishnu Kant Sharma &
Mr. Madhav Dadhich
Mr. B.S. Chhaba, AAG with
Mr. Avinash Chaudhary,
Mr. Hardik Singh &
Ms. Yuvika Pilonia, AGC
Mr. Brajendra Kumar Jain, Principal
Secretary, Department of Law & Legal
Affairs

**HON'BLE THE CHIEF JUSTICE MR. MANINDRA MOHAN SHRIVASTAVA
HON'BLE MR. JUSTICE ANAND SHARMA**

Order

02/04/2025

1. Heard.
2. This suo moto case, directed to be registered as criminal writ petition, came to be registered in the background that two members of the Bar Mr. A.K. Gupta, learned Senior Advocate and Mr. Pankaj Gupta, learned Advocate placed before the Court a photocopy of letter dated 16.04.2024 written by the Registrar



General, Rajasthan High Court, Jodhpur to the Principal Secretary, Law & Legal Affairs Department, Government of Rajasthan, Jaipur as regards the consent of High Court for appointment of Shri Brahmanand Sandu as Government Advocate-cum-Additional Advocate General and Additional Public Prosecutor in Rajasthan High Court, Bench Jaipur under the provisions of Section 24(1) of Cr.P.C.

3. It appears that the learned Single Judge, who took suo moto cognizance, was persuaded to form a *prima facie* opinion that non-issuance of appointment order after consultation is a derogatory act or contemptuous act on the part of the authorities of the State. The learned Single Judge was also persuaded to form a *prima facie* view whether the Government without any good reason can withhold the consent given by the High Court as regards appointment of Government Advocate-cum-Additional Advocate General.

On above *prima facie* satisfaction, the case was directed to be treated as criminal writ petition and notices were directed to issued to various authorities, as mentioned in Para 10 of the suo moto cognizance. Moreover, learned Single Judge directed Principal Secretary, Law & Legal Affairs Department, Government of Rajasthan, Jaipur to remain personally present before the Court along with original record/file as regards the process regarding appointment of Shri Brahmanand Sandu as Government Advocate-cum-Additional Advocate General.

4. The learned counsel who appeared before the learned Single Judge are not present today. It is not known as to on whose in-



struction, they appeared in the Court to place copy of letter dated 16.04.2024.

5. Mr. B.S. Chhaba, learned Additional Advocate General appearing for the State would submit that firstly the issue raised could not be subject matter of a criminal writ petition, nor can be said to be a contemptuous act. He would submit that a consultative process was drawn under Section 24 of the Cr.P.C. on the proposal sent by the State Government and after having consultation with the High Court, the matter is pending with the Government. He would further submit that suo moto petition may be closed.

6. Mr. A.K. Sharma, learned Senior Advocate appearing for the High Court would submit that the consultative process was adopted in view of the provisions contained in Section 24 of the Cr.P.C. (as it then existed and was in force). Consent sent vide letter dated 16.04.2024 is pending consideration before the State Government. It is for the Government to take a decision in the matter.

7. Mr. Brahmanand Sandu, who was also noticed would submit that though he came to know that a proposal for his appointment as Government Advocate-cum-Additional Advocate General was sent for consultation with the High Court and the High Court made a recommendation as has been stated in letter dated 16.04.2024, he does not know why till date he has not been appointed as Government Advocate-cum-Additional Advocate General.

8. Mr. Brajendra Kumar Jain, Principal Secretary, Department of Law & Legal Affairs, Government of Rajasthan, Jaipur is also present in the Court.



9. We find that on the basis of a letter dated 16.04.2024 of the Registrar General of the Rajasthan High Court, a suo moto criminal writ petition has been registered. The matter essentially pertains to issue relating to appointment of Mr. Brahmanand Sandu as Government Advocate-cum-Additional Advocate General.

10. Merely because the matter relates to appointment of a Government Advocate after consultation with the High Court, as required under Section 24 of the Cr.P.C. (as it then existed), it cannot be treated as a criminal matter. This is essentially a service issue.

11. It is well settled that no PIL can be entertained in service matters.

12. We are also of the view that non-issuance of any appointment order after consultation with the High Court, as provided under Section 24 of the Cr.P.C., does not amount to contempt.

13. If the concerned person in whose case consultative process has been adopted and even thereafter, he has not been appointed, it is only an individual grievance. Such person, if so advised, may approach the Court by filing appropriate petition.

14. For the reasons stated herein above, we are not inclined to proceed further in the matter. The suo moto petition is closed. This order shall not come in the way of Mr. Brahmanand Sandu in taking any remedy which may be available to him under the law.

(ANAND SHARMA),J

(MANINDRA MOHAN SHRIVASTAVA),CJ

Sanjay Kumawat/Daksh-67