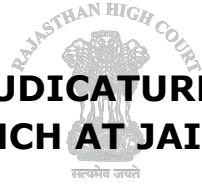




**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 20025/2025

Rajasthan Prosecution Officers Association, Through President  
Pratibha Purohit D/o Shri Shyam Sunder Purohit Aged About 48  
Years Resident Of B-403, Anukampa Grand, Swej Farm Circle,  
Sodala, Jaipur-302019 (Rajasthan)

----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary,  
Department Of Personnel, Government Secretariat,  
Jaipur,
2. The Additional Chief Secretary, Home Department,  
Government Secretariat, Jaipur
3. The Additional Chief Secretary, Department Of Personnel,  
Government Of Rajasthan, Government Secretariat,  
Jaipur.
4. The Secretary, Home (Law), Government Of Rajasthan,  
Government Secretariat, Jaipur.
5. The Director Of Prosecution, Rajasthan Government,  
Government Secretariat, Jaipur.

----Respondents

For Petitioner(s) : Mr. Tanveer Ahamed  
For Respondent(s) : Mr. Rajendra Prasad, Senior Advocate  
-cum- Advocate General assisted by  
Ms. Dhriti Laddha

**HON'BLE MR. JUSTICE MUNNURI LAXMAN**

**Order**

**21/04/2026**

1. Heard.
2. The present writ petition has been filed challenging the  
Annual Appraisal Performance Form (Annexure-4).
3. The case of the petitioner is that certain columns in the  
format which is impugned go to show that such data can be used  
to assess the performance of the officer while recording the  
annual appraisal performance with regard to the officer's  
performance. The relevant columns are Column 10(C) and 10(D),





that is, first column, relating to data with regard to acquittals and convictions of number of cases; second column, data relating to the number of witnesses examined through videoconferencing; and third column, data with regard to the number of cases entered in the e-prosecution portal.

4. Learned counsel appearing on behalf of the petitioner submitted that the data which has been sought in the annual appraisal performance report gives rise to an apprehension that those columns under which the information is sought can be used to record the performance as good or bad, which they cannot do. It is his submission that the data relating to the number of acquittals or convictions cannot *per se* be used to determine the good or bad performance of the officer for the reason that the conviction or acquittal does not depend upon the officer who is conducting prosecution; it depends upon the evidence as well as the appreciation of evidence by the competent court. Conviction or acquittal cannot be a criterion to rank an officer as good or bad.

4.1. Learned counsel for the petitioner also submitted that the data with regard to the number of witnesses examined through videoconferencing cannot be used either, for the reason that there is no infrastructure available in various prosecution offices as well as the concerned courts, and without such infrastructure, the same cannot be taken *per se* to record good or bad performance. It is also his contention that similarly, the data sought with regard to the number of cases entered in the e-prosecution portal is also irrelevant, for the reason that many prosecution offices have no infrastructure, and without infrastructure, they cannot be expected





to furnish such data, and the same could not be one of the relevant factors in assessing the performance.

4.2. It is also his submission that data with regard to e-portal entries is sought for the past five years, when the annual reports are expected to be for every year. Such information of the past beyond one year ought not to have been asked for.

5. Learned Senior Advocate-cum-Advocate General appearing on behalf of the respondents submitted that the apprehension entertained by the petitioner is not well-founded. The respondents are entitled to seek data, and merely because the data is sought, it cannot *per se* be said to be arbitrary, and the same cannot be challenged. It is his argument that though the data of acquittals and convictions is sought, the authority would not use that data *per se* to make entries with regard to good or bad performance; however, such data can be used to minimize the area of scrutiny in cases where such conviction or acquittal was on account of the bad performance of the officer.

5.1. It is also his submission that the data with regard to the number of witnesses examined through videoconferencing and the data with regard to the number of cases entered in the e-prosecution portal are sought only to maintain transparency. Though the prosecution officer is not supposed to make entries, he has a supervisory role to see that such entries are made wherever such infrastructure is available. If there is no such infrastructure, the same can be mentioned in the relevant column for non-furnishing of information on account of lack of infrastructure. Therefore, he submitted that the writ petition is devoid of merits.





6. Having gone through the contentions and the format of the annual appraisal report forming part of Annexure-4, this Court finds that Column 10(C) and 10(D) are relevant, and the same read as follows:

'10. रिपोर्टिंग वर्ष/अवधि में किये गये कार्यों का विवरण

C. निर्णय तथा अपील

(a) न्यायालय द्वारा निर्णित प्रकरणों का विवरण

अधिनियम	निर्णित प्रकरण			
	कुल प्रकरण	दोषसिद्ध	दोषमुक्त	दोषसिद्धि प्रतिषत
भारतीय दण्ड संहिता				
भारतीय न्याय संहिता				
अन्य				

(b) विषुद्ध कन्टेस्टेड प्रकरणों का विवरण

अधिनियम	प्रकरणों का विवरण				दोषमुक्ति प्रकरण जिनमें अपील की गई
	कुल प्रकरण		दोषसिद्धि प्रतिषत	प्रस्तुत नजीरें	
	दोषसिद्ध	दोषमुक्त			
भारतीय दण्ड संहिता					
भारतीय न्याय संहिता					
अन्य					

D. पदस्थापित न्यायालय में समीक्षा अवधि एवं उससे पूर्व पाँच वर्षों में किए गए कार्यों की तुलनात्मक स्थिति

कार्य	वर्ष	वर्ष	वर्ष	वर्ष	वर्ष	समीक्षाधीन वर्ष
भा.द.स./बी.एन.एस. में दोषसिद्धि प्रतिषत						
भा.द.स./बी.एन.एस. में विषुद्ध कन्टेस्टेड केस में दोषसिद्धि प्रतिषत						
अन्य अपराध में दोषसिद्धि प्रतिषत						
अन्य अपराध में विषुद्ध कन्टेस्टेड केस में दोषसिद्धि प्रतिषत						
परिक्षित गवाहान की संख्या						
वीडियो कान्फ्रेन्सिंग से करवाए गए गवाहान की संख्या						
ई प्रॉसिक्यूशन में की गई प्रविष्टियों की संख्या						
पेष प्रार्थना पत्रों की संख्या						



7. It is also relevant to refer to a similar kind of data with regard to acquittals and convictions as existed prior to the new format under Annexure-4. The relevant portion of the old format reads as follows:

"6. मुख्य पारिणामिक कार्यों के लिए निर्धारित लक्ष्यों (कृपया विनिर्दिष्ट करें) के अनुसार स्वयं द्वारा किया गया मुल्यांकन:

क्र. सं	मुख्य पारिणामिक कार्य (Key result areas)	निर्धारित लक्ष्य (Targets)	वास्तवित उपलब्धियां (Actual achievements)	उपलब्धियों में कमी का कारण (यदि कोई हो तो) एवं विशेष योगदान
---------	---	-------------------------------	--	--

1. प्रमुख विभागीय कार्यों के भौतिक लक्ष्य :
  - (i)
  - (ii)
  - (iii)
  - (iv)

2. प्रमुख विभागीय कार्यों के लक्ष्य :
  - (i)
  - (ii)
  - (iii)
  - (iv)

3. निरीक्षण :
4. मुख्यालय के अतिरिक्त क्षेत्र में रात्रि विश्राम
5. अन्य :

टिप्पणी :- यदि विभागीय लक्ष्य नहीं हो तो संक्षिप्त वर्णनात्मक विवरण दिया जाए।"

8. In the previous format, there was no specific detail contained under the Annual Assessment Performance Report with regard to the number of convictions and the number of acquittals; however, Annexure-5, which contains the representations of the officers, would show that though there was no specific column in the annual assessment report, the authorities used to insist on the percentage of convictions, which was taken as one of the factors to make an assessment of performance.





9. These factual aspects which occurred prior to the present format were not in dispute. It is needless to say that conviction or acquittal is not always in the domain of the Public Prosecutor; it depends upon various factors. There may be instances where conviction or acquittal could be on account of lapses on the part of the presenting officer, i.e., the prosecuting officer who represents the State in presenting its case. The prosecutor is required to act as an independent court officer and not a representative of the State. The collection of data *per se* cannot be said to be an arbitrary action. If such data is used for recording performance simply based on the number of acquittals or convictions, it violates the principles of fair play, and this position was also admitted by the respondents in their reply. In the reply, they specifically state that such data *per se* cannot be used to record the good or bad performance of the officer.

10. The requirement of furnishing data with regard to the number of witnesses examined and the number of cases entered in the e-prosecution portal, as sought in different columns, i.e., Column 10(D), cannot be said to be bad, as such data may be relevant to apprise the actions taken by the officer. As far as the entry of data in the e-portal is concerned, it is the primary duty cast upon the clerk who is working under the prosecution officer, and it is the duty of the prosecuting officer to ensure that, if the infrastructure is available, such data is entered; he has a supervisory role in ensuring such entry. Wherever infrastructure is not available, the same can be mentioned in the relevant column, and merely because infrastructure is not available in some offices, insisting on such data *per se* is not illegal.





11. For the above reasons, this Court is inclined to dispose of the writ petition, directing the respondents that the data with regard to the number of convictions and acquittals cannot *per se* be made relevant to record adverse entries against the officer. The apprehension with regard to insisting on data relating to the number of witnesses examined and the number of cases entered in the e-portal is based on mere apprehension without any foundation. At this stage, there is no material to show that such data can be used by the respondents to record good or bad performance; therefore, the relief sought in this regard is premature.

12. With the above directions, the writ petition is ***disposed of***.

13. All pending applications, if any, stand disposed of.

**(MUNNURI LAXMAN),J**

138 - BhumikaP/-

