

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.41 of 2017
Arising out of
Civil Writ Jurisdiction Case No. 15438 of 2016

=====

Umesh Prasad & Ors

.... Appellant/s

Versus

The State of Bihar & Ors

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Uma Kant Prasad, Advocate

For the Respondent/s : Mr. Yogendra Prasad Sinha, AAG-7

=====

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 27-01-2017

I.A No.246 of 2017

The application is for condonation of delay of 2 days in filing the Letters Patent Appeal.

2. For the reasons mentioned in the Interlocutory Application, we are satisfied that the appellant has shown sufficient cause to seek condonation of delay in filing the present Letters Patent Appeal.

3. Consequently, Interlocutory Application No. 246 of 2017 is allowed and delay in filing the Letters Patent Appeal is condoned.

L.P.A. No.41 of 2017

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench on 9th of December, 2016 in C.W.J.C. No. 15438 of 2016 whereby, the election of Chief



Councilor of Nagar Parishad was permitted to be held, but it was ordered that result shall not be declared.

2. The grievance of the appellant is that on account of the order passed, the Nagar Parishad is without any head and, consequently, the functioning of the Nagar Parishad has come to a standstill.

3. We find that a public office cannot be put to a standstill by virtue of interim orders. If the writ applicant ultimately succeeds, he would be entitled to seek restoration of her position, but stay of the result is defeating the third tier of local administration.

4. Consequently, we vacate the order passed by the learned Single Bench of not declaring the result. The result shall be declared and acted upon, but such result shall be subject to the final decision of the writ application.

5. The present Letters Patent Appeal is, accordingly, disposed of.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	28.01.2017
Transmission Date	N/A

