

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.786 of 2017  
IN  
Civil Writ Jurisdiction Case No. 1238 of 2017**

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Dr. Mridul Kumar Sahani

.... .... Appellant/s

Versus

The Union of India & Ors

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Sanjay Kumar, Advocate

For the Respondent/s : Mr. Suryadeo Yadav-AAG-9

For Respondent No.4 : Mr. Ashok Kr. Sinha, Sr. Advocate

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE SUDHIR SINGH**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date: 12-05-2017**

Having heard learned counsel for the parties, we find that the petitioner has been denied extension of his tenure to the elected office, primarily in view of the law laid down by the Hon'ble Supreme Court in the case of K.B. Nagur, M.D. (Ayu.) v. Union of India, AIR 2012 Supreme Court 1774, the learned Writ Court has detail dealt with the matter in detail and rejected the claim of the petitioner for permitting him to hold office after his tenure is over and three months thereafter have passed.

In doing so, the learned Writ Court has only proceeded to decide the matter on the basis of law laid down in the case of K.B. Nagur (supra). To that effect, we find no error committed. Learned counsel for the appellant also submitted that elections to the Council



in question is not being held as directed by the Hon’ble Supreme Court in the aforesaid case even after the tenure of the petitioner is over. It seems that no such prayer or assertion was made before the learned Writ Court and, therefore, in this appeal, we are not inclined to issue such a direction.

The petitioner may take up the issue with appropriate authorities for holding of election in accordance with the law laid down by the Hon’ble Supreme Court in this regard and it would be for the appropriate authorities to deal with the aforesaid aspect of the matter or take recourse to such remedy as may be available in accordance with law in case the election is not held within the statutorily prescribed time.

This application is disposed of.

**(Rajendra Menon, CJ)**

**(Sudhir Singh, J)**

K.C.jha/-

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| AFR/NAFR          | NAFR      |
| CAV DATE          | N/A       |
| Uploading Date    | 18.5.2017 |
| Transmission Date | N/A       |

