

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.855 of 2018

In

Civil Writ Jurisdiction Case No.13178 of 2017

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Sudhanshu Kumar, son of Sri Kaushal Kishore Rai, resident of village and P.O. Rajaura, P.S. Begusarai Muffasil, District-Begusarai.

... .. Appellant/s

Versus

1. The State Election Commission, Sone Bhawan Birchand Patel Path, Patna through the State Election Commissioner.
2. The State Election Commissioner, the State Election Commission, Sone Bhawan Birchand Patel Path, Patna.
3. The Secretary, the State Election Commission, Sone Bhawan Birchand Patel Path, Patna.
4. The District Magistrate-cum-District Election Officer (Panchayat), Begusara, District-Begusarai.
5. Geeta Devi, wife of Sri Tuntun Rai, resident of village and P.O. Rajaura, P.S. -Begusarai Muffasil, District-Begusarai.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. S.B.K. Mangalam, Advocate
For SEC	:	Mr. Amit Shrivastava, Advocate
For the State	:	Mr Sanjeev Nikesh, Advocate
		Mr.Manish Kumar, Ac to Aag-6
For respondent no.5	:	Mr. Dinu Kumar, Advcate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 10-12-2019 This appeal has been preferred against the order dated 21.06.2018 passed by the learned Single Judge in C.W.J.C. No. 13178 of 2017 whereby the I.A. No. 4218 of 2018 filed by the appellant for stay of election notified in the appellant's Gram Panchayat to fill up the post which has fallen vacant due to illegal removal of the appellant under the order of State Election Commission under section 136(2) of the Bihar Panchayat Raj



Act, 2006 the learned Single Judge has refused to stay the election and has only observed that any election held in the meantime would be subject to the final outcome of the writ petition.

Undisputedly, as both the learned counsel jointly submit, the issue in question now stands decided by the decision rendered by a Full Bench of this Court reported in 2019(4) BLJ 789 (Sunjay Kumar Vs. the State of Bihar & Ors) analogous cases.

In view of the same, without entering into the issue of maintainability of the present appeal, for having been filed without enclosing a copy of the order passed by the learned Single Judge, we dispose of the appeal, clarifying that parties shall be bound by the decision rendered by the Full Bench of this Court.

The interim order granted vide order dated 26.06.2018 shall stand vacated.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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