

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22814 of 2019

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Bibi Farajina Begam @ B. Farajina Begam, wife of Md. Hadi Raja Resident
of Village and P.O.- Chutiya, P.s.- Shambhuganj, Distt.- Banka

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary Panchayati Raj Department, Govt. of Bihar, Patna
3. The Monitoring Officer Panchayati Raj Department, Govt. of Bihar, Patna
4. The District Magistrate Banka, District- Banka
5. The District Panchayat Raj Officer Banka, District- Banka
6. The Sub Divisional Officer Banka, District- Banka
7. The Block Development Officer Shambhuganj, District- Banka
8. Md. Galib Raza, Son of Gulam Jilani, R/o Village Belari, P.S.
Shambhuganj, District- Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sarva Deo Singh, Advocate
For the Respondent/s : Mr. Kameshwar Pd. Gupta (GP-10)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 23-06-2021

The matter has been heard via video
conferencing.

2. Heard the parties.

3. The I.A. No. 3 of 2021 has been filed by the
intervener petitioner for vacating the stay granted vide
order dated 23.01.2020.



4. Mr. Sarva Deo Singh, learned counsel appearing on behalf of the intervener petitioner while referring to a judgment of the Apex Court has stated that stay order should not be continued for a longer period. He submits that petitioner has suffered disqualification on account of certain lapses. Although, he admits that the office for which the petitioner has been removed and rendered disqualification has limited tenure and the same has expired.

5. In the aforesaid circumstance, instead of going into the legality and validity of the decision of disqualification and removal, the writ petition is disposed off with a liberty to the parties to agitate the matter of disqualification in appropriate proceeding as after the expiry of the tenure, it has become an academic issue and academic issue cannot be decided by the constitutional court. However, it is made clear that removal of the petitioner will not attach disqualification in contesting future election.



6. With the aforesaid observation/direction, the writ petition stands disposed off.

(Anil Kumar Upadhyay, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	30/06/2021
Transmission Date	N/A

