

ITEM NO.24

COURT NO.7

SECTION XVI

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).3068/2026

[Arising out of impugned final judgment and order dated 23-12-2025 in LPA No.1118/2025 passed by the High Court of Judicature at Patna]

VIJAY ACHARI

Petitioner

VERSUS

THE STATE OF BIHAR & ORS.

Respondents

I.A. No.19552/2026-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

I.A. No.19554/2026-EXEMPTION FROM FILING O.T.

I.A. No.19556/2026-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Date : 27-01-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPANKAR DATTA

HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

For Petitioner(s) :Mr. Shadan Farasat, Sr. Adv.  
Mr. Rahul Shyam Bhandari, AOR  
Mr. Deo Prakash Singh, Adv.  
Ms. G. Priyadharshni, Adv.  
Mr. Satyam Pathak, Adv.  
Mr. Harshit Anand, Adv.  
Ms. Jasleen Kaur, Adv.  
Ms. Anshita Sharma, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following  
O R D E R

1. We are not inclined to interfere with the impugned interim intra-court appellate order of the Division Bench, whereby the direction made by the Single

Judge to the effect that the petitioner be allowed to continue in service beyond 31<sup>st</sup> October, 2025 has been stayed.

2. We draw inspiration from the decision of this Court in ***State of Haryana v. Suman Dutta***<sup>1</sup> where it has been laid down that stay of an order of termination of service by an interim order in a pending writ petition would have the effect usurpation of public office by an employee, without any right to the same.

3. At this stage, Mr. Shadan Farasat, learned senior counsel appearing for the petitioner agrees that justice would be sufficiently served if the letters patent appeal<sup>2</sup> pending before the High Court is disposed of confirming the interim order of stay passed by it, with a request to the Single Judge to expedite a decision on the writ petition without being influenced by the order of the Division Bench as well as this Court.

4. The LPA before the Division Bench stands disposed of confirming the interim order passed by it.

5. We request the Single Judge in *seisin* of the writ petition of the petitioner to expedite a decision on it, in accordance with law.

6. The special leave petition stands disposed of accordingly.

7. Pending application(s), if any, shall stand disposed of.

**(RASHMI DHYANI PANT)**  
**ASST. REGISTRAR-CUM-PS**

**(SUDHIR KUMAR SHARMA)**  
**COURT MASTER (NSH)**

<sup>1</sup> (2000) 10 SCC 311

<sup>2</sup> LPA