

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13529 of 2015

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Binod Kumar Singh, son of Late Sidhi Singh, resident of village-
Gangasarai, P.S. Barahiya, District-Lakhisarai

.... Petitioner/s

Versus

1. The District Magistrate cum District Election officer Co-operative Societies, Lakhisarai
2. The Joint Registrar, Co-operative Societies, Bhagalpur and Munger Division, Bhagalpur
3. The District Co-operative Officer-cum-Assistant Election Officer, Lakhisarai
4. The Block Development Officer-cum-Returning Officer, Gangasarai PACS, Block & District-Lakhisarai
5. The Assistant Returning Officer, Gangasarai PACS, Lakhisarai

.... Respondents 1st Set

6. Sri Bhupesh Kumar, son of Sri Rajendra Singh, resident of village & P.O. Gangasarai, P.S. Barahiya, District-Lakhisarai
7. Sri Shambhu Sharan Pandey, son of Sri Rajendra Pandey, resident of village & P.O. Gangasarai, P.S. Barahiya, District-Lakhisarai
8. Sri Mhagu Yadav, son of Sri Turu Gope, resident of village & P.O. Gangasarai, P.S. Barahiya, District-Lakhisarai
9. Raja Ram Singh, son of Sri Ganga Singh, resident of village & P.O. Gangasarai, P.S. Barahiya, District-Lakhisarai
10. Sri Ramgauri, son of Sri Mritunjay Singh, resident of village & P.O. Gangasarai, P.S. Barahiya, District-Lakhisarai
11. Sri Suresh Ram son of Sri Raghunandan Ram, resident of village & P.O. Gangasarai, P.S. Barahiya, District-Lakhisarai

.... Respondents 2nd Set

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Appearance:

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

For the Respondent/s : Mr. N. Hoda Khan, SC-18

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 31-08-2015 Heard Mr. Sanjay Kumar, learned counsel appearing on

behalf of the petitioner and Md. Irshad, Assisting Counsel to SC-

18 for the State.

This writ petition is directed against the order dated



30.4.2015 passed in Election Dispute Case No. 1 of 2015 questioning the eligibility of the respondent no. 6 as a candidate for the post of Chairman, Gangasari Primary Agriculture Credit Co-operative Society in the district of Lakhisarai.

Whereas it is the case of the petitioner who has lost the election that the private respondent no. 6 was a co-opted member of the society, the argument was contested by the private respondent by production of a receipt bearing CB No. 112926 dated 30.7.2008 which supported his claim of being a share holder member of the society.

Perusal of the order reflects that except that the genuineness of the receipt was orally contested, there is nothing to prove that the receipt produced by the private respondent was of a doubtful character.

Although Mr. Sanjay Kumar has tried to refer to an extract of the membership register placed at Annexure-3 to submit that the private respondent has been mentioned as a co-opted member but a perusal of the extract would by itself questions its authenticity for it has no entries and even when it is so strenuously argued by Mr. Sanjay Kumar that the private respondent was a co-opted member, there is nothing in the extract of the register to show that the membership fee by co-option was paid and received

by the society.

In my opinion, the extract of membership register so sanguinely relied upon by Mr. Sanjay Kumar does not support its authenticity and in absence of there being any other material on record to prove that the receipt so produced by the private respondent was a forged and fabricated document, there is nothing to interfere with the order impugned and the writ petition is accordingly disposed of.

(Jyoti Saran, J)

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