

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6564 of 2014



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1. Ramashankar Prasad son of Sheo Nandan Prasad resident of village Chauki Hassan P.S. G.B.Nagar Tarwara district Siwan.
 2. Rajesh Kumar son of Kanhaiya Prasad, resident of village Bhamopali P.S. Barharia district Siwan.
 3. Prabhunath Singh son fo Bishwanath Singh, resident of village Sadarpur P.S. Barharia District Siwan.
 4. Brahamajee Prasad son of Late Mangal Bhagar resident of village Usari Buzurg P.S. Hassanpur District Siwan
 5. Dashrath Prasad Yadav son of Laldeo Prasad Yadav resident of village Mohammadpur P.S. Bhagawanpur district Siwan
 6. Banke Lal Prasad son of Sipahi Prasad, resident of village Kurami Hatta P.S. Baletha District Siwan.
 7. Brahma Nand Manjhi son of Ganesh Manjhi, resident of village Madhwapur, P.S. Siwan District Siwan
 8. Sudama Singh sonof Bikrama Singh resident of village Bijaipur P.S. Mairwan District Siwan
 9. Hriday Narayan Prasad son of Sri Gyani Singh, resident of village Suhawan Hatta P.S. Barharia District Siwan
 10. Ganesh Prasad Singh son of Late Sheo Ratan Singh resident of village Sundarpur P.S. Barharia District Siwan
 11. Amit Kumar Singh son of Jeet Bhadur Singh resident of village Bhoripakar P.S. Barharia District Siwan

.... Petitioner/s

Versus

1. The State of Bihar
2. The Registrar, Cooperative Societies, Bihar, Patna
3. The Additional Registrar, Cooperative Societies, Bihar, Patna
4. The Joint Registrar, Cooperative Societies(Credit), New Secretariat, Bihar, Patna
5. The District Cooperative Officer, Siwan, Central Cooperative Bank Ltd.Siwan, district Siwan
6. The Assistant Registrar, Cooperative Societies, Siwan Circle District, Patna
7. The Siwan Central Cooperative, Bank Ltd. Siwan, through its Managing Director.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni, Adv.
For the Respondent-State : Mr. S.Rahman A.C. to S.C.7
For the Bank : Mr. Uday Chandra Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 21-09-2015 Heard Mr. Ram Chandra Sahni, learned counsel for the

petitioners, learned counsel for the State and Mr. Uday Chandra Prasad learned counsel for the Bank.

The petitioners seek a direction to the respondent-Bank for their placement in the Cadre Fund, in the light of the orders passed by this Court in earlier round of litigation present at Annexures-6 and 7 respectively.

Mr. Sahni, learned counsel appearing on behalf of the petitioners submits that the petitioners were appointed by the society on the post of Paid Manager and there is a system of engagement of Paid Managers under the cadre fund. It is claiming such relief that the petitioners approached this Court in C.W.J.C.No.13325 of 2002 and the writ Court in consideration of the circumstances disposed of the writ petition with an observation that should the respondent-Bank be in need of any such appointment as claimed by the petitioners, it shall consider the case of the petitioners. The petitioners being aggrieved moved in intra court appeal bearing L.P.A.No.844 of 2003 and which again was disposed of with the direction that if in future the income of the District Cadre fund of the respondent Bank improves and the Bank is in the need of engagement then the case of the petitioners would be considered.

Mr. Sahni learned counsel appearing for the petitioners

submits that the earlier round of litigation took place almost a decade back and since then the financial position of the Bank has improved. He submits that since the Bank was directed to consider the case of the petitioners for engagement in district cadre fund in case the financial position improved then they are bound to discharge the obligation. Even though such submissions are made in the light of the earlier orders of this Court but there is nothing on record to demonstrate whether any such claim has been put forward by the petitioners before the Bank.

In the circumstances and considering that no writ lies against the society, the writ petition is disposed of reserving liberty to the petitioners to raise their grievance before the Bank and in case the petitioners are dissatisfied by the decision of the Bank they shall be at liberty to take recourse to the remedy so available to them under Section 48 of the Bihar Cooperative Societies Act, 1935.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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