

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17716 of 2014

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1. Md. Masood Alam S/o Sarfuddin R/o Village - Banihal, P.S. Balia Balon,
District - Katihar

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Co - operative Department,
Govt. of Bihar, Patna
2. The Registrar, Co - Operative Societies, Bihar, Patna
3. The Joint Registrar, Co - Operative Societies, Division Purniya, District -
Purniya
4. The Assistant Registrar, Co - Operative Societies, Katihar
5. The District Co - operative officer, Katihar, District - Katihar
6. The District Magistrate, Katihar, District - Katihar
7. The Block Development Officer Cum Returning officer, Block Kadwa,
District - Katihar
8. The Chairman, Primary Agriculture Credit Co - Operative Society,
Bijhada, Block Kadwa, District - Katihar
9. The Chief Electoral Officer, State Election Authority, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Saghir Ahmad, Adv.
For the Respondent/s : Mr. Sunil Kr. Mandal, S.C. 24
For the S.E.C. : Mr. Mukesh Kumar Thakur, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 18-03-2015 Mr. Shailendra Kumar Dwivedi learned counsel for the

petitioner, learned counsel for the State and Mr. Mukesh Kumar

Thakur for the election authority are present.

The petitioner is aggrieved by twin action of the respondent

Returning Officer-cum-Block Development Officer, Kadwa,

District Katihar namely:

- (a) Non-inclusion of his name in the voter list of Primary

Agriculture Credit Co-operative Society, Bajhada,

Block -Kadwa, District-Katihar published for the election 2014-15; and

(b) Non acceptance of his nomination.

It is contention of the petitioner that he was a contestant for the post of Chairman of the same society in the election held in 2009 and his name has been wrongfully deleted from the voter list published in 2014. It is further his case that although an objection was filed on 19.8.2014 in this regard but the same remained pending and consequently his nomination for the post of Chairman was rejected on 22.10.2014 vide Annexure-4 to I.A. No. 2170 of 2015.

Mr. Dwivedi, learned counsel for the petitioner has submitted that the action of the respondent in not proceeding with his objection regarding inclusion of his name in the voter list as well as rejection of his nomination are unsustainable more particularly where this petitioner was a contestant for the post of Chairman in the election held in 2009.

Mr. Mukesh Kumar Thakur while supporting the action of the respondents has submitted that since admittedly the name of the petitioner did not appear in the voter list of 2014 hence the rejection of nomination cannot be faulted.

Having heard learned counsel for the parties and taking note

of the provisions underlying Section 12 of the Bihar Election Authority Act, 2008 which entitles a party aggrieved by rejection of nomination to prefer an election petition under Section 10 thereof and in view of the statutory provisions underlying Section 48 of the Bihar Cooperative Societies Act read with Rules 21(x) of the Bihar Cooperative Societies Rules, 1959 and in view of the law laid down by the Division Bench of this Court in the case of **N.S. Madhavan Vs. Shyamdeo Prasad** reported in **2010(3)PLJR 578** this writ petition is disposed of giving liberty to the petitioner to raise his dispute by taking recourse to the remedies so available to him in law.

(Jyoti Saran, J)

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