

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23315 of 2012

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1. Surendra Prasad Singh S/O Late Janardan Prasad Singh R/O Vill. Govindpur alias Gara, Block and P.S. Patepur Dist. Vaishali
2. Yogendra Prasad Singh S/O Late Janardan Prasad Singh R/O Vill. Govindpur alias Gara, Block and P.S. Patepur Dist. Vaishali

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Cooperative Department, Govt. of Bihar, Patna
2. The Registrar Co-Operative Committee Bihar, Patna
3. The Joint Registrar, Sahyog Samities, Tirhut Division, Muzaffarpur
4. District Magistrate, Vaishali at Hajipur
5. Sub Divisional Magistrate, Mahua, Vaishali
6. The Block Development Officer, Patepur (Vaishali)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Shankar Das, Advocate

For the Respondent/s : Mr. Arbind Kumar-2, SC 17

Mr. Sanjeev Kumar Mishra, AC to SC 17

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 02-11-2015

Heard the parties.

2. The grievance of the petitioners is that their names have illegally/arbitrarily not been included in the Fishermen's Cooperative Society, Patepur in the district of Vaishali.

3. At the very outset, learned counsel appearing on behalf of the respondent-State submitted that against the impugned action, the petitioners have an alternative and efficacious remedy before the Registrar of Co-operative Societies, Bihar, Patna in view of the provisions contained in Rule 7 (2) of The Bihar Co-operative Societies Rules, 1959 (in short, "the Rules, 1959"), which reads as follows:

7 (2) : "A person whose application for admission to membership has been rejected by the managing committee may, within sixty days of the communication of the decision to him appeal to the Registrar whose decision shall be final."

4. In view of the nature of the grievances raised on behalf of the petitioners in the present writ petition and in view of the provisions contained in Rule 7 (2) of the Rules, 1959, this Court is of the considered opinion that the interest of justice shall be subserved if the petitioners are granted liberty to file a fresh appeal before the Registrar of the Co-operative Societies raising all the pleas, which have been raised in the present writ petition. It is ordered accordingly.

5. If such an appeal is preferred by the petitioners within one month from today with a certified copy of the present order, then the learned Registrar of Co-operative Societies, Bihar, Patna shall be obliged to consider and decide the appeal of the petitioners by a reasoned and speaking order, after giving an opportunity of hearing to all concerned, at an early date preferably within a period of six months from the date of filing of such an appeal.

6. It is clarified that this Court has not gone into the merits of the pleas raised on behalf of the petitioners and this is left to be decided by the Registrar of Co-operative Societies strictly in accordance with law.

7. It is further clarified that the petitioners as also the other respondents shall be at liberty to raise all the issues of facts and law before the learned Registrar of Co-operative Societies, which may be available to them in support of their respective claims.

8. The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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