

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11488 of 2015

=====

Smt. Pinki Kumari wife of Sri Subhash Kumar resident of village:
Jivachhpur, P.S. - Gamarihya District : - Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Govt. of Bihar, Patna.
2. The Chief Election Officer, 32 Harding Road, Patna.
3. The Registrar, Co-operative Society, Govt. of Bihar, Patna.
4. The Joint Registrar Co-operative Society, Govt. of Bihar, Patna.
5. The Joint Registrar, Co-operative Societies, Koshi Division, Saharsa.
6. The District Magistrate Cum-District Election Officer, Madhepura.
7. District Co-operative Officer, Madhepura.

.... Respondent/s

=====

Appearance:

For the Petitioner/s : Mr. Uday Prasad Singh, Advocate
For the Respondent/s : Mr. Dhurjati Kr Prasad, G.P.-7

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 03-09-2015 Mr. Uday Prasad Singh for the petitioner, learned
counsel for the State, Mr. Sanjeev Kumar Mishra for the
intervener in I.A. No. No. 6618 of 2015 and learned counsel for
the State Election Authority.

The writ petition was filed with the prayer to stay the
operation of the letter no. 547 dated 04.6.2015 whereby the
elections to the societies which stood dissolved under Section
41(5) of the Bihar Co-operative Societies Act, had been notified.

One of the issue raised by the petitioner to question
the notification is that even though orders have been issued for
appointment of an administrator but there is no formal order on the
issue of dissolution of the managing committee of the society.

This matter was heard by a Bench of this Court on 05.8.2015 and the issue stands noted at page 3 of the order which is as follows:

“Therefore question for determination is as to whether, in view of Section 14(9), election arising out of resignation tendered by seven members should have been declared for the purpose of filling up the vacancy only or, the moment resignations of majority of the members come then the Managing Committee of the society stands automatically superseded and election for entire PACCS would be required to be held?”

This very issue also fell for consideration in a batch of cases arising from CWJC No. 9491 of 2015 (Vinay Kumar vs. State) and analogous cases and this Court while disposing of the batch of writ petitions vide order passed on 07.8.2015 has answered the issue in the following terms:

“Although in some of the cases there have been arguments regarding no formal order of dissolution having been passed but in my opinion that is only a technicality for the moment more than half of the members of the societies have resigned, the dissolution becomes automatic and the order passed by the Registrar is only a completion of such formality.”

In the circumstances, where the issue so raised by the

petitioners stands answered in the judgment and order passed by this Court in the case of Vinay Kumar vs. State of Bihar (supra), the present writ petition also stands disposed of in similar terms. Interlocutory applications are disposed of accordingly.

Interim order passed on 05.8.2015 shall stand vacated.

(Jyoti Saran, J)

S.Sb/-

U			
---	--	--	--