

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.14556 of 2015**

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1. Ramkeshwar Singh, Son of Late Bindeshwari Singh, resident of village +  
Post- Sakhmohan, Police Station- Bibhutipur, District Samastipur.

.... .... Petitioner/s

Versus

1. The Bihar State Election Authority through its Secretary, Patna.
2. The District Magistrate-cum-District Returning Officer, Cooperative Societies, Samastipur.
3. The District Cooperative Officer-cum-District Deputy Returning Officer, Cooperative Societies, Samastipur.
4. The Block Development Officer-cum-Returning Officer, Cooperative Societies, Block- Bibhutipur, District- Samastipur.
5. The Sakhmohan PACS Ltd, through its Secretary, Village+Post- Sakhmohan, Police Station+Block- Bibhutipur, District- Samastipur.
6. Navin Kumar Singh, Chairman of Sakhmohan PACS, son of Ram Uday Singh, resident of Village+Post- Sakhmohan, Police Station- Bibhutipur, District- Samastipur.
7. Kamla Devi, wife of Sita Ram Singh, resident of Village+Post- Sakhmohan, Police Station- Bibhutipur, District- Samastipur.
8. Ramagya Singh, son of Ram Bahadur Singh, resident of Village+Post- Sakhmohan, Police Station- Bibhutipur, District- Samastipur.
9. Kapildeo Singh son of Late Deo Kishun Singh, resident of Village+Post- Sakhmohan, Police Station- Bibhutipur, District- Samastipur.
10. Mitthu Mahto, son of Late Husail Mahto, resident of Village+Post- Sakhmohan, Police Station- Bibhutipur, District- Samastipur.
11. Anil Kumar Singh, Member, son of Late Anandi Singh, resident of Village+Post- Sakhmohan, Police Station- Bibhutipur, District- Samastipur.
12. Baudhu Sah, son of Late Bhuttu Sah, resident of Village+Post- Sakhmohan, Police Station- Bibhutipur, District- Samastipur.
13. Sewak Paswan, son of Late Mauzi Paswan, resident of Village+Post- Sakhmohan, Police Station- Bibhutipur, District- Samastipur.
14. Manju Devi, wife of Narendra Prasad Singh, resident of Village+Post- Sakhmohan, District- Samastipur.
15. Sudha Devi, wife of Ram Shankar Singh, resident of Village+Post- Sakhmohan, District- Samastipur.
16. Pano Devi, wife of Raghunandan Mahto, resident of Village+Post- Sakhmohan, Police Station- Bibhutipur, District- Samastipur.
17. Siya Devi, wife of Baudhu Sah, resident of Village+Post- Sakhmohan, Police Station- Bibhutipur, District- Samastipur.
18. Ramdeo Jha, Member, Sakhmohan PACS, son of not known to the petitioner, resident of Village+Post- Sakhmohan, Police Station- Bibhutipur, District- Samastipur.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Chakrapani, Adv.

For the Respondent/s : Mr. P.K. Verma, Adv.

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**

ORAL ORDER

2      22-09-2015      Heard Mr. Chakrapani learned counsel for the petitioner and learned counsel for the State.

The only issue raised by the petitioner to contest the election of the private respondent Nos. 6,7 and 8 who have also contested the election is that as against the information required to be mentioned in the enclosure to the affidavit filed along with nomination form relatable to assets and liabilities they have put a cross(x) mark meaning thereby that they hold no shares. The issue raised has been rejected by the Additional Registrar by the impugned order and hence the petitioner is before this Court.

The petitioner himself is the Ex-Chairman of the society and has been defeated in the election at the hands of the respondent no.6. As per the statutory requirements it is the duty of the Chairman to forward the membership list on the basis of which the Returning Officer prepares the voter list and publishes it under Rule 21(J) of the Bihar Cooperative Societies Rules inviting objections thereto. It is only where a member holds a Rs. 10/- share in the society in addition to the membership share of Rs. 1/- that he is entitled to contest the election. A person holding one rupee share though is entitled to vote but is not entitled to contest. These facts have been purposefully narrated because the petitioner



himself being the Chairman has raised an issue that the respondent Nos. 6 to 8 did not hold share in the society to contest the election and for which he relies upon the enclosure to the affidavit which puts a cross mark against the share column. According to Mr. Chakrapani since these respondents have denied being a shareholder hence they are ineligible to contest or the nomination is fit to be rejected on grounds of giving false declaration.

In my opinion the arguments advanced is preposterous for consumption. The petitioner does not deny the membership in clear words rather relies upon the declaration in the affidavit filed along with the nomination form by these respondents to pin them down either on eligibility or on false declaration.

The challenge fails on both counts. The very inclusion of these respondents in the membership list forwarded by the petitioner as the Ex-Chairman of the society with nothing on record to show them as co-opted members puts at rest the eligibility issue.

In so far as the charge of incorrect information mentioned in the enclosure to the affidavit is concerned, they relate to the assets and liabilities possessed by the member and against which the respondents have mentioned nil. Meaning thereby that other than the membership share, there is no other share possessed by the

contesting respondents. Its a plain absurdity to stretch the said declaration to construe a denial of even the membership share possessed by these respondents.

The issue raised in the election dispute as well as in the writ petition are thoroughly misconceived and are dismissed accordingly.

**(Jyoti Saran, J)**

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