

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11989 of 2015

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Manoj Kumar Mehta, son of Shri Kapildeo Prasad, resident of Village-Kurmanwa, P.S. - Cherki, Gaya-824237.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Co-operative, Government of Bihar, "Vikash Bhawan", 2nd Floor, Room No.280, Jawahar Lal Nehru Marg, Patna- 800015.
3. The Registrar, Co-operative Societies, Bihar, "Vikash Bhawan", 2nd Floor, Room No.256, Jawahar Lal Nehru Marg, Patna- 800015.
4. The Divisional Joint Registrar, Cooperative Societies, Magadh Division, Gaya-823001.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar

For the Respondent/s : Mr. Sudhir Kumar, AC to AAG-2

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 06-08-2015 Heard Mr. Arvind Kumar, learned counsel appearing on behalf of the petitioner and Mr. Sudhir Kumar, learned Assisting Counsel to Additional Advocate General No.2.

It is in the light of the communication of the Registrar, Cooperative Societies, Bihar, Patna as contained in letter no.4134 dated 13.7.2015 placed at Annexure-2 that the petitioner apprehends that the order passed by the Joint Registrar, Cooperative Societies, Magadh Division, Gaya in an election dispute arising from Miscellaneous Case No.36 of 2014-15 initiated at the instance of the petitioner, whereby the election to the post of Chairman, Kurmanwa Primary

Agriculture Credit Cooperative Society has been set aside, is sought to be reviewed.

A very short submission has been made by Mr. Arvind Kumar, learned counsel appearing for the petitioner to question the impugned order. He submits that the order passed by the prescribed authority in exercise of powers vested under the Bihar Cooperative Societies Act, 1935 read with the provisions of the Bihar State Election Authority Act, 2008 more particularly in view of the provisions underlying section 13(2) thereof, the order of the prescribed authority on an election dispute is final and cannot be appealed against before any statutory authority nor can be reviewed by any statutory authority.

The apprehension expressed by learned counsel for the petitioner emanates from the communication of the Registrar, Cooperative Societies whereunder information has been sought by the Registrar, Cooperative Societies from the Joint Registrar, Cooperative Societies, Magadh Division, Gaya as regarding the number of cases pending before him for the purpose of administrative review. The communication in no manner indicates that the order passed in the election dispute is

sought to be reviewed by the Registrar.

In the circumstances and without going into the intricacy of the matter this Court disposes of the writ petition with a liberty to the petitioner to raise his grievance in case the occasion so arises and his apprehension stands confirmed.

This writ petition is disposed of accordingly.

(Jyoti Saran, J)

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