

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10300 of 2008

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Rajballabh Singh, son of Shri Sheo Bachan Cinsh, Resident of Mohalla Kali Asthan, G.T. Road, Sasaram, P.S. Saram (T), Dist. Rohtas and a dismissed employee of Sasaram-Bhabhua Central Co-operative Bank Ltd. from the post of Assistant Accountant.

.... Petitioner/s

Versus

1. The Sasaram-Bhabhua Central Co-operative Bank Ltd., having its Head Office at Sasaram through its Chairman.
2. The Board of Directors, through its Chairman. The Sasaram-Bhabhua Central Co-operative Bank Ltd., Sasaram.
3. The Managing Directors, the Sasaram-Bhabhua Central Co-operative Bank Ltd., Sasaram, P.S. Sasaram Town, Dist. Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sinha, Adv.

For the Bank : Mr. Ishwari Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

10 11-08-2015

Heard learned counsel for the parties.

Having regard to the fact that the petitioner has filed this writ application, assailing the order passed by the Sasaram-Bhabhua Central Cooperative Bank Limited, which is a cooperative bank society under the Bihar Cooperative Society Act, directing for removal of the petitioner from service, the same cannot be made subject matter of a writ application in view of the law laid down by the Special Bench of this Court in the case of *The Organizer, Dehri C.D. & C.M. Union Limited Vs. The State of Bihar & Ors.* reported in 2014(1)PLJR 695.

Learned counsel for the petitioner has submitted that when the petitioner had moved before the Registrar of the Cooperative Society, he too had held the case filed by the petitioner to be not maintainable on the ground of Section 48 of the Bihar Cooperative

Society barring jurisdiction to entertain any dispute arising out of departmental proceeding. He would thus submit that in such a situation, the writ application will be maintainable.

This Court would not find so. If the Cooperative Bank is not a “State” within the meaning of Article 12 of the Constitution of India, the writ application will not lie and, therefore, if the petitioner has not been given relief under Section 48, the remedy for him will be either before the ordinary civil court or even under other forums where an employee whose employer is not a “State” within the meaning of Article 12 of the Constitution of India can assail the order of dismissal by way of punishment in a departmental proceeding.

In that view of the matter, this writ application is not maintainable and is, accordingly, dismissed.

The dismissal of this writ application, however, will not stand in the way of the petitioner in moving any other appropriate forum.

(Mihir Kumar Jha, J)

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