

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18287 of 2015

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Niranjan Roy S/o Late Girjanad Roy, resident of Village+P.O.- Mahalwari,
Panchayat- Kohila, Block- Dagarua, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Co-operative Department, Government of Bihar, Patna.
2. The Registrar, Co-operative Society, Bihar, Patna.
3. The District Co-operative Officer, Purnea.
4. The Bihar State Election Authority through Chief Election Officer, Harding Road, Patna.
5. Kohila Primary Agriculture Credit Co-operative Societies, District- Purnea through its President.
6. The Block Development Officer, Dagarua cum Election Officer, (Co-operative Societies).
7. Basant Bhagat S/o Jawahar Bhagat, Village- P.O.- Mahalwari, P.S.- Dagarua, Block- Dagarua, PACS Konila, District- Purnea.
8. Mohd. Rustam, S/o Asat Ali, R/o Village- Phulpur, P.O.- Mahalwari, P.S.- Block Dagarua PACS Kohila District- Purnea.
9. Parmanand Yadav, S/o Late Anup Lal Yadav, Village- P.O.- Mahalwari, P.S.- Dagarua, Block- Dagarua, PACS Kohila, District- Purnea.
10. Ayodhya Prasad Yadav, S/o Late Kare Lal Yadav, Village-P.O.-P.S.- , Block- Dagarua, PACS Kohila, District- Purnea.
11. Mohd. Yusuf, S/o Mohod. Ajij R/o Village- Khikharmani, P.O.- P.S. Block Dagarua, PACS Kohila, District- Purnea.
12. Sanjay Kumar Singh, S/o not known, R/o Village- Dagarua East, P.O.- Barsauni, P.S. Block Dagarua, PACS Kohila, District- Purnea.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Sandip Singh, Advocate
For the Respondent/s : Mr. D.B. Singh, GP-9

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 08-12-2015 Heard Mr. Sandip Singh, learned counsel appearing on
behalf of the petitioner and learned counsel for the State.

The petitioner having contested the election to the post
of Chairman, Primary Agriculture Credit Cooperative Society



Kohila in the district of Purnea and having lost the same to the respondent no. 7 endeavoured to question the same vide the election petition in question giving rise to Election Case No. 7 of 2014 and which having been dismissed by the Joint Registrar, he is before this Court.

The challenge to the election is on an infracted voter list as well as on grounds that the returned candidate i.e. the respondent no. 7 was a co-opted member. On these two grounds Mr. Sandip Singh questions the impugned order of the prescribed authority under the Bihar Cooperative Societies Act, 1935 read with the provisions of the Bihar State Election Authority Act, 2008.

I have heard learned counsel for the parties and I have perused the records. It is not in dispute that the petitioner as the Chairman of the Society had prepared the voter list which he seeks to question. In my opinion on this ground itself the prayer in the writ petition does not call for indulgence. Another aspect which does not persuade this Court to give any indulgence to the issue raised is that the petitioner on the basis of the said list has contested the election and has lost. These two grounds disentitle the petitioner to any relief.

Coming to the other issue regarding the ineligibility of

the returned candidate to contest the election on ground that he was a co-opted member, the finding of the prescribed authority at page-2 of the impugned order takes notice of the receipt produced by the returned candidate to show that he was a full-fledged member. Thus until such time that the said receipt is held to be a forged document by a competent forum, the petitioner cannot raise any grievance or question the membership of the private respondent.

For the reasons aforementioned, the writ petition is dismissed.

(Jyoti Saran, J)

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