

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12951 of 2015

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Santosh Kumar, son of late Ganga Prasad Yadav, resident of Mohalla Gorla Toli, P.O. -GPO, P.S.- Kotwali, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, Cooperative Department, Govt. of Bihar, Patna.
2. Bihar State Cooperative Bank Ltd. Ashok Raj Path, Patna through its Managing Director.
3. Managing Director, Bihar State Cooperative Bank Ltd. Ashok Raj Path, Patna
4. Dy. General Manager, Personnel & Administration Department, Bihar State Cooperative Bank Ltd. Ashok Raj Path, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Janam Prasad, Advocate.
Mr. Hari Narayan Ram, Advocate.
For the Respondent/s : Mr. P.N.Sharma, AC to AG
For the Rsp. Nos.2-3 : Mr. Nishi Nath Ojha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 20-08-2015

Heard learned counsel for the parties.

Having regard to the fact that the petitioner is an employee of Bihar State Co-operative Bank Ltd., a writ application against the order of suspension will not lie in view of the judgment of the Special Bench of this Court in the case of ***The Organiser, Dehri C.D. & C.M. Union Limited vs. The State of Bihar & Ors.*** reported in ***2014 (1) PLJR 695.***

Learned counsel for the petitioner then submits that the petitioner will have no remedy even before the Registrar because of the bar relating to the dispute arising out of departmental proceeding being not maintainable under Section 48 of the Bihar

Cooperative Societies Act,.

In the considered opinion of this Court if the petitioner does not have remedy under section 48 of the Act that does not mean that the writ application will become maintainable. The petitioner infact may still approach the competent civil court or any other forum for assailing his order of suspension but then the writ application will not be maintainable in view of law laid down by the Special Bench in the case of the Organiser, Dehri C.D. and C.M. union Limited (supra). It is, accordingly, dismissed.

(Mihir Kumar Jha, J)

Sujit/-

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