

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4257 of 2015

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1. Md. Shahid Hussain son of Md. Shahabuddin , resident of Village - Barta Bari , P.S. Azamnagar, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary , Co-operative Department , Government of Bihar, Patna.
2. The Principal Secretary, Co-operative Department, Government of Bihar, Patna.
3. The Registrar, Co-operative Societies, Bihar, Patna.
4. The Joint Registrar, Co-operative Societies, Purnea Division, Purnea.
5. The Chief Election Officer, Bihar State Election Authority, 32, Harding Road, Patna.
6. The Block Development Officer-cum-Returning Officer (Co-operative Societies), Azamnagar, Katihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Musowir, Adv.

For the Respondent/s : Mr. Anil Kumar Sinha, GA-9

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 03-04-2015 Heard Mr. Raj Kishore Prasad, learned counsel for the petitioner and counsel for the State.

The petitioner has questioned the order dated 11.3.2015 passed by the Returning Officer-cum-Block Development Officer, Azamnagar, District Katihar whereby the nomination of the petitioner for contesting the election to the post of Chairman, Primary Agriculture Credit Co-operative Society, Shitalmani, District Katihar has been rejected.

The acceptance or rejection of a nomination is an election dispute under Section 12(1)(c) read with Section 10 of the Bihar

State Election Authority Act, 2008 and in view of the law laid down by this Court in the case of **N.S. Madhavan Vs. Shyamdeo Prasad reported in 2010(3) PLJR 578** the proper remedy for this petitioner would be by raising such dispute before the appropriate authority under the provisions of the Bihar Cooperative Societies Act, 1935 and the rules framed thereunder. The petitioner if so advised may take recourse to the such remedy.

The writ petition is accordingly disposed of.

(Jyoti Saran, J)

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