

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16414 of 2014

Dinesh Kumar Yadav son of Ram Lakhan Yadav Resident of Village - Garhwa, P.O. - Dhamiya Path, Police Station - Deodha, District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary (Finance), Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The Regional Director Reserve Bank of India.
4. The Regional Director Security and Exchange Board of India, Udyog Bhawan, 3rd Floor Gandhi Maidan, Patna.
5. The Registrar of Companies Nizam Place Kolkata (West Bengal).
6. The Registrar of Companies Maurya Lok Patna.
7. The Chairman Jagrato Bharat Credit Multi State Cooperative Societies Limited having its registered Office, Station Road Jhaljhalaya, District - Malda, (West Bengal).
8. Kunal Singh son of Rajendra Singh Resident of Village + P.S. - Chakradharpur, District - West Chankradhar (Jharkhand). The Managing Director Jagrato Bharat Credit Multi State Cooperative Society Limited (Indian Non Banking Companies) having its office situated at Shahid Chowk near Maxi Stand, Jai Nagar, P.S. - Jai Nagar, District - Madhubani.
9. Birendra Kumar Sah son of Mishri Sah Resident of Union Tola, P.S. - Jainagar, District - Madhubani, the Brnach Manager, Jagrato Bharat Credit Multi State Cooperative Society Limited (Indian Non Banking Companies) having its office situated at Shahid Chok near Maxi Stand, Jai Nagar, P.S. - Jai Nagar, District - Madhubani.
10. Subhash Yadav son of Hukum Deo Yadav Resident of Village - Chapradhi, P.S. - Khajauli, District - Madhubani, The Cashier, Jagrato Bharat Credit Multi State Cooperative Society Limited (Indian Non Banking Companies) having its office situated at Shahid Chowk near Maxi Stand, Jai Nagar, P.S. - Jai Nagar, District - Madhubani.
11. Rajesh Kumar so Rajendra Prasad Resident of Subhash Chowk, P.S. - Jai Nagar, District - Madhubani.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha
For the State : Mr. Roy Shivaji Nath, AAG 3
For SEBI : M/s Pradeep Kumar, Sanjay Kumar Sinha

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 13-07-2015

The petitioner claims that he has been appointed as an Agent of Jagrata Bharat Credit Multi State Co-operative Society Limited with its registered office at Malda, West Bengal. He has filed this writ petition in the nature of a Public Interest Litigation with a prayer to direct the respondent nos. 1 to 6 to set up a high-level enquiry against the respondent nos. 7 to 11, i.e., the Chairman, Managing Director and the Branch Manager of the said Society and certain others.

According to him, the respondent nos. 7 to 11 have misappropriated funds to the tune of several crores. He has also stated that being an Agent, he has collected heavy amounts and deposited with the Society, but even after maturity of the deposits they are not being released.

Heard learned counsel for the petitioner and learned counsel for the respondents.

On the face of it, the writ petition is not maintainable. Even on own showing of the petitioner, he is an employee of the organization which appointed him as an Agent. In effect, the Agent wants the enquiry against the Principal. Firstly, the petitioner is an interested person and, secondly, the question by an Agent seeking such relief against the Principal through P.I.L. does not arise.

The writ petition is dismissed.

(L. Narasimha Reddy,CJ)

(Anjana Mishra, J)

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