

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14715 of 2015

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Dr. Laxmi Narayan Singh, aged about 66 years, Son of Late Ramautar Singh, at present Chairman of the Board of Directors of Nawada Central Co-operative Bank, Nawada

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Co- operative Department, Bihar, Patna
2. Registrar, Co-operative Societies, Bihar, Patna
3. Shree Bikram Kumar Jha, present Managing Director of Nawada Central Co-operative Bank, Nawada
4. Nawada Central Co-operative Bank, Nawada through the Managing Director

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Uma Kant Tiwary, Advocate

For the Respondent/s : Mr. S.K. Sharma, G.A.-1

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 23-09-2015 Heard Mr. Yogendra Mishra, learned counsel appearing for the petitioner and Mr. Himanshu Kumar, Assisting Counsel to GA-1 for the State and Mr. Purushottam Kumar Jha, learned counsel appearing for the respondent nos. 3 and 4.

The limited prayer made by the petitioner in the present writ petition is for disposal of the appeal so preferred by the petitioner against a resolution passed in the General Body Meeting of the Society held on 24.5.2015 which is stated to have been filed on 15.7.2015, a copy of which is placed at Annexure-6 to the writ petition.



The petitioner happens to be the elected Chairman of the respondent Bank and the contest is in between the Chairman and the Managing Director which has led to the present proceedings. According to Mr. Mishra though certain powers are vested in the Managing Director under Section 14(3) of the Bihar Cooperative Societies Act (hereinafter referred to as the 'Act') which also includes a power to convene meeting of the Managing Committee but in the present case the Managing Director has exceeded his jurisdiction to call for an Annual General Meeting which jurisdiction in terms of Section 32(1) of 'the Act' exclusively vests in the Board of the Cooperative Society. It is the grievance of the petitioner that the Managing Director vide letter present at Annexure-3 dated 26.6.2015 has convened an Annual General Meeting on 13.7.2015 to consider 11 agendas. It is stated that even though the Managing Director had no jurisdiction to convene such meeting and which was questioned by the petitioner before the Registrar, Cooperative Societies vide his representation dated 10.7.2015 present at Annexure-4 but the meeting was held on the scheduled date and the proceedings of which is placed at Annexure-5 and even though there was no agenda in respect of a 'no confidence motion' being moved against the petitioner yet it was taken up as agenda no. 9 and was

passed against the petitioner.



Mr. Mishra referring to the statutory provisions underlying Section 32A (11) of the 'Act' submits that the petitioner in terms of the remedy so available to him has filed a statutory appeal before the Registrar, Cooperative Societies on 15.7.2015 and more than two months have passed since the petitioner has been ousted illegally from his elected post but the Registrar, Cooperative Societies has not disposed of the matter. The bye laws of the Society also forms part of the appeal so filed by the petitioner and Clause-47 and 48 amply vests jurisdiction in the Registrar to reverse any proceedings of the General Body if it is in contravention of the 'Act', rules and bye laws. It is on such submission that Mr. Mishra prays for disposal of the writ petition with a direction to the Registrar to consider and dispose of the statutory appeal filed by the petitioner on 15.7.2015 placed at Annexure-6 within the shortest possible time considering the urgency of the matter.

Mr. Purushottam Jha has attempted to contest the arguments of Mr. Mishra and to submit that the Managing Committee has acted within the framework of law but in my opinion since the matter is yet pending before the Registrar it would not be proper for this Court to express any opinion on the

rival contentions. The submission of learned counsel has been taken note of in the backdrop of events only for the purpose to remind the Registrar on the urgency of the matter.

In the circumstances discussed, the writ petition is disposed of with a direction to the Registrar to dispose of the appeal filed by the petitioner under Section 32A(11) of the 'Act' on 15.7.2015 vide Annexure-6 in accordance with law and after opportunity of hearing to the petitioner as well as the Managing Director of the Bank expeditiously and preferably within four weeks of the date of receipt / production of a copy of this order. The petitioner shall be at liberty to pray for interim relief and which shall be considered and disposed of on its own merit.

S.Sb/-

(Jyoti Saran, J)

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