

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9001 of 2013

=====

1. Rajendra Prasad Mandal Son of Late Chaturi Mandal Resident of Village
- Mahesadih, P.S. and District - Banka

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate-Cum-Administrator of the Central Co-Operative Bank Bhagalpur
3. Sub Divisional Officer, Banka, District - Banka
4. Jitendra Prasad Singh Son of Late Jawahar Pd. Singh of Village - Barahat, P.S. Barahat, District Banka
5. Rajesh Son of Priyabrat Mehta of Village - Bhikhanpur, P.S. Bhikhanpur, District Bhagalpur
6. Prasoon Kumar Singh Son of Chandra Bhushan Prasad Singh of Village - Bhawanipur, P.S. Bhawanipur, District - Bhagalpur
7. Chief Election Officer, Sone Bhawan, Patna
8. Registrar, Co-Operative Societies, Bihar, Patna
9. Managing Director Bhagalpur Central Co-Operative Bank Ltd. Bhagalpur
10. The Commissioner-Cum-Secretary Co-Operative Department, Govt. Of Bihar, Patna

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ram Subhash Singh, Adv.
For the Respondent/s : Mr. Ishwari Singh, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

5 21-08-2015 Heard Mr. Ram Subhash Singh, learned counsel for the petitioner, learned counsel for the State and Mr. Ishwari Singh for the private respondent No.4.

The petitioner has questioned the election of the respondent No.4 to the post of Chairman, Bhagalpur Central Cooperative Bank Ltd.

A preliminary objection has been raised by Mr. Ishwari

Singh to question the maintainability of the writ petition. He submits that without exhausting the remedy available to the petitioner under the Bihar Cooperative Societies Act, 1935, the rules framed thereunder as well as the Bihar State Election Authority Act to question the election of the private respondent by filing an election dispute, the petitioner has straightway chosen to move this Court.

Having heard learned counsel for the parties and taking note of the preliminary objection, the writ petition is held not maintainable as it was for the petitioner to first raise an election dispute questioning the election of the private respondent before the statutory authority before questioning the same before this Court.

The writ petitioner having failed to do so, the writ petition is held not maintainable and is disposed of accordingly.

Bibhash/-

(Jyoti Saran, J)

U			
---	--	--	--