

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17231 of 2014

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1. Birendra Dubey son of Late Sudarshan Dubey Resident of village -
Madaini, P.O. - Thanua, Police Station - Shivsagar, District - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, Department of Co-operative,
Government of Bihar, Patna.
2. Registrar, Co-operative Societies, Bihar, Patna.
3. Assistant Registrar, Co-operative Societies, Sasaram Anchal, Sasaram.
4. District Co-Operative Officer Rohtas at Sasaram.
5. Block Development Officer-cum-Returning Officer, Shivsagar, District -
Rohtas.
6. Block Co-operative Extension Officer, Shivsagar Block, District -
Rohtas.
7. Bihar State Election Authority, Patna.
8. Sonhar PACS through its Chairman, Sonhar PACS Block Shivsagar,
Police Station Shivsagar, District - Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Prasad Singh, Adv.

For the Respondent/s : Ms. N. Mishra, G.A.13

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 18-08-2015 The grievance of the petitioner is that although the applications received by the respondent authorities from the petitioner and the like was processed under the provisions of Rule 7(4) of the Bihar Cooperative Societies Rules, 1959 (hereinafter referred to as 'the Rules') framed under the Act but was not acted upon by the Chairman of the Sonhar Primary Agriculture Credit Cooperative Society, Block Shivsagar in the district of Rohtas.

Mr. Jitendra Prasad Singh seeks a direction to the Block Development Officer to exercise the power vested in him under

Rule 7(4) of 'the Rules' to order for membership of the petitioner by the society but it is the contention of Ms. Namrata Mishra learned G.A.13 for the State that the exercise of power by the Block Development Officer is only conditional upon unhappening of Rule 7(1) and until such time that the petitioner satisfies that he has applied before the society without success that no power can be exercised by the Block Development Officer. Even Mr. Jitendra Prasad Singh is not in a position to demonstrate from the pleadings whether any application has been filed by the petitioner before the society seeking membership.

In the circumstances, the writ petition is disposed of with a liberty to the petitioner to apply for membership before the respondent society as mandated under Rule 7(1) of 'the Rules' and in case he is denied the same he may approach the Registrar in appeal, however if the matter is kept pending that he would be at liberty to take recourse to the remedy so provided under Rule 7(4) of 'the Rules'.

The writ petition is disposed of.

(Jyoti Saran, J)

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