

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7333 of 2016

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Tulsi Prasad Keshri, son of late Chamari Prasad Keshri, resident of village-Dobhi, P.O. & P.S. –Dobhi, District Gaya

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Cooperative Department, Government of Bihar, Patna
2. The Registrar, Cooperative Societies, Government of Bihar, Patna
3. The Joint Registrar, Cooperative Societies, Magadh Division, Gaya
4. The District Cooperative Officer, Gaya
5. The Block Development Officer-cum-Election Officer, Dobhi, District Gaya
6. Shankar Prasad, son of Harihar Prasad, resident of village-Dobhi, P.O.& P.S. Dobhi, District Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nikhilesh Kumar, Adv.

For the Respondent/s : Smt. Binita Singh, G.P.31

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 27-04-2016

Heard learned counsel for the parties.

The petitioner is aggrieved by the order dated 31.10.2015/15.12.2015 of the Joint Registrar, Cooperative societies, Magadh Division, Gaya in Election Case No. 8 of 2015-16 whereby the election case has been dismissed.

I have heard learned counsel for the parties and I have perused the records.

The petitioner contested the election for the post of Chairman Dobhi Primary Agriculture Credit Cooperative Society along with private respondent and having lost the election, that he filed the

election petition inter alia on the following grounds:

- (a) That 233 persons have been illegally added in the membership list; and
- (b) 205 eligible persons were excluded in the list.

Having heard learned counsel for the parties and considering that the petitioner having taken a calculated risk of contesting the election on a voter list and having lost, he cannot turn around to question the election on grounds of infirmity in the voter list. Even otherwise, a membership issue cannot be a subject matter of an election dispute. The issue raised stand answered in the judgment rendered in the case of **Kaushal Kishore Vs. State of Bihar** arising from **C.W.J.C. No. 13060 of 2015**.

No cause for indulgence is made out in the order impugned.

The writ petition is disposed of.

(Jyoti Saran, J)

Bibhash/-

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