

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8257 of 2016

=====

Pinki Kumari, wife of Sri Subhash Kumar, Resident of Village- Jibachhpur,
P.S.- Gamhariya, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Bihar, Patna.
2. The Principal Secretary, Co-operative Department, Government of Bihar, Patna.
3. The Registrar, Co-operative Society, Bihar, Patna.
4. The Commissioner, Koshi Division, Saharsa.
5. The Chief Election Officer, Bihar State Election Authority, 32 Harding Road, Patna.
6. The District Magistrate, Madhepura.
7. The Deputy Development Commissioner, Saharsa.
8. The Joint Registrar, Co-operative Societies, Koshi Division, Saharsa.
9. The District Co-operative Officer, Madhepura..
10. The Block Development Officer -cum- Election Officer, Gamhariya, District- Madhepura.
11. The Jibachhpur Primary Agriculture Credit Society through its Manager, Jibachhpur Block- Gamharia, District- Madhepura.
12. Rupesh Kumar, son of Bageshwari Yadav, Resident of Village- Jibachhpur, P.S.- Gamhariya, District- Madhepura.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Amarnath Jha
For the Respondent-State : Mr. M.K.Pathak, SC-7
Mr. A.K. Prasad, AC to SC-7
For the Respondent No.12 : Mr. Chandan Priyadarshi

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 21-06-2016

Heard the parties.

The petitioner has questioned the election of respondent no.12 to the post of Chairman, Jibachhpur Primary Agriculture Credit Cooperative Society (hereinafter referred to as 'the PACS') in the District of Madhepura, inter alia, on grounds that the nomination was not valid and that the counting

process was marred with irregularities.

Having heard learned counsel for the parties and considering the statutory remedy available to the petitioner under the provisions of the Bihar Cooperative Societies Act, 1935, the Rules framed thereunder and the provisions of the Bihar State Election Authority Act, 2008, the remedy for the petitioner to question the election of respondent no.12 is by raising an election dispute and not by way of a writ petition. The petitioner, if so advised, can take recourse to the statutory remedy so available to him.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

SKPathak/-

U			
---	--	--	--