

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3496 of 2016

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Sanjay Kumar, son of Late Surya Narayan Singh, resident of village-Shahbajpur, P.O. Ghataho, P.S. Ujainpur, District-Samastipur

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Home, Bihar Patna
2. District Magistrate-cum-District Election Officer, Samastipur
3. District Co-operative Officer, Samastipur
4. Returning Officer cum Circle Officer, Ujainpur, Samastipur
5. Block Development Officer, Ujiarpur, Samastipur
6. Block Cooperative Extension Officer, Ujiarpur, Samastipur
7. Registrar, Cooperative Societies, Bihar, Patna
8. Deputy Registrar (Law) Cooperative Societies, Bihar, Patna
9. Praveen Kumar Raushan, son of Sri Jagnnath Kunwar, r/o village-Shahbajpur, P.O. Ghatahe, P.S. Ujiarpur, District-Samastipur at present Chairman, Pararia, Samastipur
10. Nathuni Ram s/o Late Saryug Ram, r/o village + P.O.-Paroria, P.S. Ujiarpur, District-Samastipur

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Raj Shekhar, Advocate

For the Respondent/s : Mr. Manoj Kr. Ambastha, GP-14

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 23-02-2016 Heard the parties.

The petitioner is aggrieved by the order dated 25.11.2015 passed by the Deputy Registrar (Law) Cooperative Societies, Bihar, Patna in Election Case No. 130 of 2015 which has been dismissed.

Fact briefly stated is that the petitioner along with the private respondent contested the post of Chairman of the Society, Pararia Primary Agriculture Credit Cooperative Society (hereinafter referred to as the 'PACS'), District-Samastipur in which the respondent no. 9 returned as the Chairman. The issue raised before the



prescribed authority is that the voter list was infracted. That the petitioner has already contested the election on the voter list, *prima facie* he has no reasons to now question the election on grounds of voter list. The issue stands concluded in the judgment of this Court reported in **2006(1) PLJR 184 (Nasimuddin vs. State of Bihar)**. Although the petitioner refers to Annexure-18 to submit that objection to the voter list was raised but considering that the objection was filed before a wrong authority and is not in tune with the provisions of Rule 21J of the Bihar Cooperative Societies Rules, 1959 as framed under the Bihar Cooperative Societies Act, 1935 the same was not worthy of consideration.

Be that as it may, apart from the fact that the petitioner having participated in the election and having come out unsuccessful cannot turn around to question the election exclusively on grounds of voter list, another aspect which prevents me from interfering with the opinion expressed by the prescribed authority is that there is no evidence on record of the election case supporting that the so-called ineligible voters had contributed to the success of the returned candidate.

For the reasons aforementioned, I find no merit in the writ petition which is accordingly dismissed.

(Jyoti Saran, J)

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