

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.20 of 2016

IN

Civil Writ Jurisdiction Case No. 10300 of 2008

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Rajballabh Singh Son of Shri Sheo Bachan Singh Resident of Mohalla - Kali Asthan, G.T. Road, Sasaram, P.S. - Sasaram (T), District - Rohtas and a dismissed employee of Sasaram Bhabhua Central Co-operative Bank Ltd., from the post of Assistant Accountant.

.... Appellant

Versus

1. The Sasaram Bhabhua Central Cooperative Bank Ltd., having its Head Office at Sasaram through its Chairman.
2. The Board of Directors, through its Chairman, the Sasaram - Bhabua Central Co-operative Bank Ltd. Sasaram.
3. The Managing Director, the Sasaram-Bhabua Central Co-opertive Bank Ltd. Sasaram, P.S. - Sasaram Town, District - Rohtas.

.... Respondents

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Appearance :

For the Appellant : Mr. Anil Kumar Sinha, Advocate

For the Respondents : Mr. Ishwari Singh, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 19-11-2016

Heard learned counsel for the appellant and learned counsel for the respondents.

2. The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench on 11th of August, 2015 in CWJC No. 10300 of 2008 whereby the writ petition directed against an order of removal of the appellant from his services of Sasaram-Bhabhua Central Bank Limited was held to be not maintainable in view of the judgment of the Special Bench of this Court in the case of The Organizer, Dehri C.D. & C.M. Union Limited Vs. The State of Bihar & Ors, 2014(1) PLJR 695.

3. Learned counsel for the appellant contended that in an earlier writ petition filed by the appellant, the Bank took a stand that the writ application is not maintainable and the Registrar of the Cooperative Society has jurisdiction to entertain the appeal. But when the appellant filed an appeal before the Registrar, it was stated that the Registrar had no jurisdiction. Therefore, the writ petitioner cannot be made remediless.

4. We do not find any merit in the argument raised. The fact is that as per the order of the Special Bench of Five-Judges of this Court, the writ petition against the Cooperative Society has been held to be not maintainable. Once the writ petition has been found to be not maintainable, this Court cannot exercise jurisdiction against the order of removal of the appellant passed by the Cooperative Society. It is for the appellant to seek his remedy under law.

5. We do not find any error in the order of the learned Single bench which may warrant any interference by this Court. The Letters Patent Appeal is accordingly dismissed.

(Hemant Gupta, ACJ)

B.T/Ibrar

(Vikash Jain, J)

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