

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6205 of 2016

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Rajnish Kumar, S/o Arjun Singh, resident of Village- Bersima, P.S.- Alipur,
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 Society, Magadh Division, Gaya.
4. The District Magistrate, Gaya –cum- District Election Officer (PACS).
5. District Cooperative Officer, Gaya cum Deputy District Election Officer.
6. Block Development Officer, Tekari cum Election Officer (PACS).
7. Rupaspur Primary Agricultural Credit Society Ltd. (in Short PACS), Prakhand –Tekari, District- Gaya.
8. Bihar State Election Authority, through its Chief Election Officer, Patna.
9. Subhas Kumar @ Subhas Kumar Singh, S/o Bidya Nand Singh, resident of Village- Rupaspur, P.S.- Alipur, District- Gaya.
10. Manish Kumar, S/o Mithilesh Sharma, resident of Village- Salipur, P.S.- Alipur, district- Gaya.
11. Jairam Sharma, S/o Prasad Sharma, resident of Village- Salempur, P.S.- Alipur, District- Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajnish Kumar

For the Respondent/s : Mr. J.S. Barnwal, GA-5

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 06-04-2016

Heard the parties.

The petitioner is aggrieved by the order dated 8.7.2015/21.7.2015 passed by the Joint Registrar, Cooperative Societies, Magadh Division, Gaya in Election Case No.42 of 2014-15 whereby the election petition has been dismissed.

The sole issue raised by the petitioner is that the returned Chairman i.e. the respondent no.9 was a paid employee

of the cooperative society.

Mr. Marvind, learned counsel appearing for the petitioner submits that the resignation submitted by the respondent no.9 was not acted upon by the society until the date of filing of nomination and thus he was disqualified from contesting the election

Having heard learned counsel for the parties and considering that there is no dispute that the private respondent did resign before filing his nomination and thus even if the same was not acted upon by the Society as canvassed by learned counsel but such act of the society cannot prejudice the right of the private respondent. Besides, the writ petition also suffers from vice of gross laches and delay.

No case for indulgence is made out.

For the reasons aforementioned the writ petition is dismissed.

(Jyoti Saran, J)

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