

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2240 of 2016

=====

Atish Dhar Dubey, S/o Shri Akhileshwar Dubey, Village-Sherhawa, PO-Murli, P.S.- Shikarpur, District- West Champaran, Bettiah, PACS, Manager, of Sherhawa PACS.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection , Bihar, Patna.
2. The Registrar, Cooperative Societies, Bihar, Patna.
3. The District Magistrate, West Champaran, Bettiah.
4. The Sub Divisional Officer, Narkatiaganj, West Champaran.
5. The District Cooperative Officer, West Champaran, Bettiah.
6. The District Supply Officer, West Champaran, Bettiah.

.... Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ishwari Singh Mr. Surendra Kumar Mishra Mr. Manish Kumar Singh
For the Respondent/s	:	Mr. Shankar Kumar, AC to AAG-15

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 18-02-2016 Heard Mr. Ishwari Singh, learned counsel appearing on behalf of the petitioner and Mr. Shankar Kumar, learned Assisting Counsel to Additional Advocate General No.15 for the State.

A counter affidavit has been filed after service on counsel for the petitioner. Let it be maintained on the record.

The petitioner is aggrieved by the order bearing no.607dated 29.9.2015 of the Sub-Divisional Officer, Narkatiyaganj, District- West Champaran, whereby he has stayed his own order bearing Memo no.505 dated 29.9.2015 present at Annexure-3 whereby the Manager/Assistant Manager of the Primary Agriculture Credit Cooperative Society were

allowed to operate the shops under the licence granted to the society under Public Distribution System Control Order, 2001.

It is argued by Mr. Singh that the order is non-speaking and does not assign reasons.

A counter affidavit has been filed enclosing the minutes of the *Aam Sabha* of the society and with reference to Agenda no.7 of the meeting a copy of which is present at Annexure-E/3 Mr. Shankar Kumar submits that the petitioner has been removed from the post under the resolution of the *Aam Sabha*. He thus submits that in absence of any challenge to resolution of the *Aam Sabha* the petitioner has no cause to question the order impugned.

I am in agreement with the submission of Mr. Shankar Kumar and in view of the resolution so present no cause for indulgence is made out.

Mr. Singh seeks liberty to question the resolution of the *Aam Sabha* before the appropriate forum. He is at liberty to do so.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

SKPathak/-

U			
---	--	--	--