

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7230 of 2017

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1. Chanar Sahani Son of Late Dhunmun Sahani, Resident of Village- Jhakra, Police Station Govindganj, District- East Champaran, Motihari.
 2. Punam Devi, Wife of Amarjeet Sahani Resident of Village- Moora Police Station Govindganj, District East Champaran, Motihari.
 3. Rabindra Sahani Son of Late Yogendra Sahani, Resident of Village- Moora Police Station Govindganj, District East Champaran, Motihari.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Co-operative Department, Government of Bihar, Patna.
2. The Bihar State Election Authority through Chief Election Officer, 32, Hardinge Road, Patna.
3. The District Magistrate-cum- District Election Officer, East Champaran, Motihari.
4. The Registrar, Co-operative Societies, Bihar, Patna.
5. The District Co-operative Officer, East Champaran, Motihari.
6. The Block Development Officer-cum- Election Officer, Areraj Block, Police Station Govindganj, District- East Champaran, Motihari.
7. Areraj Block Fisherman Cooperative Society, through its Secretary Malti Devi Wife of Shri Rameshwar Prasad Nishad, Resident of Village- Nagdahan, Police Station- Malahi, District East Champaran, Motihari.

.... Respondent/s

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Appearance :

For the Petitioners	:	Mr. Mahasweta Chatterjee with Mr. Samir Kumar Sinha, Advocate
For the State	:	Mr. Tripurari Nath Ambastha, AC to SC 26
For the State Election Authority	:	Mr. Mukesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 30-06-2017



Heard learned counsel for the petitioners; State and State Election Authority.

2. The petitioners are aggrieved by non-inclusion of their names in the final voter list prepared for the 2017 election of the Managing Committee of *Areraj Block Fisherman Cooperative Society Limited* (hereinafter referred to as the 'Society').

3. Learned counsel for the petitioners submitted that they and many others had become valid members in the years 2014, 2015, and 2016 but their names were not included in the draft voter list published despite them having paid membership fee and share money and even after having filed objection, the final voter list does not contain their names.

4. Learned counsel for the State Election Authority submitted that the Managing Committee had to take a fresh resolution ratifying the addition and deletion of the members after 31.01.2017 in terms of the instructions issued by the State Election Authority contained in letter no. 780 dated 15.12.2016 which has not been done.

5. Having considered the matter, in the considered opinion of the Court, the petitioners who appear to be *bona fide* and genuine members cannot be made to suffer for any inaction on the part of the Managing Committee as it is beyond their control to hold such meeting. If they have been validly made members prior to cut off date,



that is, 31.01.2017 and have not been removed in accordance with law, their names are required to be included in the voter list and they are also entitled to take part in the election.

6. In view thereof, the writ petition stands disposed off with liberty to the petitioners to appear before the respondent no. 6 tomorrow, which is the day of filing of nomination, along with material to show that they are *bona fide* members and have paid their membership fee and share money. If the respondent no. 6 finds the same to be genuine, any of the petitioners who may want to contest the election for any post, their nomination shall be accepted and also the voter list shall stand modified to such extent. The petitioners shall also produce at least a web copy of this order before the respondent no. 6, duly attested by them, tomorrow.

7. For the sake of convenience, learned counsel for the State and the State Election Authority shall also inform the concerned officers, including the respondent no. 6, about the present order.

(Ahsanuddin Amanullah, J)

Anjani/-

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