

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 19972 of 2016

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1. Prathmik Kirshi Sakh Sahyog Samiti Ltd. Koparia through its Chairman Rajdhar Yadav, Son of Late Bisheshwar Yadav, resident of Village and P.O.- Koparia, P.S.- Salkhuwa, District- Saharsa.
 2. Rajdhar Yadav, Son of Late Bisheshwar Yadav, Resident of Village and P.O.- Koparia, P.S. - Salkhuwa, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Cooperative Department, Bihar, Patna.
2. The Registrar Co-operative Societies, Bihar, Patna.
3. The Additional Registrar Co-operative Societies, Bihar, Patna.
4. The District Co-operative Officer, Saharsa.
5. The Sub-Divisional Officer, Simari Bakhtiarpur, District- Saharsa.
6. Ajay Kumar @ Ajay Yadav, Son of Mahendra Yadav, resident of Village and P.O.- Koparia, P.S. Salkhuwa, District- Saharsa, Ex-Manager, Koparia Primary Agriculture Credit Co-operative Society Ltd. Koparia.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mrs. Mahashweta Chatterjee and Mr. Ram Nibash Prasad, Advocates
For the State	:	Mr. Sushil Kumar, G.P. 22 Mr. Rakesh Ranjan, A.C. to G.P. 22
For the Respondent No. 6	:	Mr. Pashupati Prasad Sinha and Mr. Deepak Kumar, Advocates

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 10-04-2017

Heard learned counsel for the parties.

2. Pursuant to order dated 29.03.2017, the Registrar Co-operative Societies; the Sub Divisional Officer, Simri Bakhtiarpur; the Joint Registrar, Co-operative Societies, Koshi Division, Saharsa as well as the District Co-operative Officer, Saharsa are personally present.

3. Show cause has been filed on behalf of the District Co-



operative Officer, Saharsa and supplementary counter affidavit has been filed on behalf of respondent no. 5 as well as supplementary counter affidavit on behalf of respondents no. 1 and 2.

4. The Court in its earlier order has recorded a *prima facie* finding on the conduct of the District Co-operative Officer, Saharsa (respondent no. 4) of him deliberately resisting to implement the interim order of the Court dated 25.01.2017. From the materials on record and averments made in the pleadings filed on behalf of the State respondents as well as the materials on record in the present writ petition, it is established that not only did the respondent no. 4 resist in complying with the interim order of the Court dated 25.01.2017, but has also pressurized the clerk to receive his order dated 06.02.2017, by antedating the receipt, using undue pressure, which fact has been accepted by the Department and accordingly, both, for trying to resist compliance of the interim order of the Court in the present case dated 25.01.2017, as well as for getting the order received by antedating the receipt, departmental proceeding has been initiated against the respondent no. 4 and Memo of Charges under *Praptra-Ka* has also been framed on 06.04.2017.

5. The Registrar, Co-operative Societies assures the Court that the departmental proceeding would be taken to its logical conclusion expeditiously and in right earnest.



6. Learned counsel for the petitioners submitted that the grievance of the petitioners was that the resolution dated 09.12.2015 taken for removal of the respondent no. 6, had been interfered with by the Additional Registrar, Co-operative Societies, Bihar, Patna by order dated 16.09.2016 in Case No. 54 of 2016, and the same be quashed. However, he submitted that the prayer has now become infructuous in view of the respondent no. 6 himself relinquishing all claim for being retained on the post of Manager of Koparia Primary Agriculture Credit Co-operative Society Limited. It was submitted that in view of the same, the writ petition is not required to be pressed. Learned counsel has drawn the attention of the Court to the written communication made by the respondent no. 6 to the respondent no. 4 dated 31.03.2017, copy of which was also given to the petitioners. A second supplementary counter affidavit has been filed on behalf of the petitioners in which copy of the said letter dated 31.03.2017 has been brought on record by way of Annexure-17 and which was also served on learned counsel for the respondent no. 6 on 04.04.2017. The same has not been controverted.

7. In view of the aforesaid, once the respondent no. 6 himself has withdrawn his grievance and has also given in writing that he shall not contest his claim for the post of Manager of the petitioner no. 1 Co-operative Society, the Court is not required to judicially



intervene in the matter. However, the order passed by the Additional Registrar, dated 16.09.2016 is set aside. All consequential orders also stand set aside.

8. The writ petition stands disposed off in the aforementioned terms.

9. The personal appearance of the officers stand dispensed with.

10. Before parting, the Court records its strict warning to Mr. Arvind Kumar Paswan, the District Co-operative Officer, Saharsa not to repeat such conduct in future.

(Ahsanuddin Amanullah, J.)

P. Kumar

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