

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12122 of 2015

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1. Nand Kishore Singh Son of Late Ram Balan Singh The President Deoraha Baba Education and Charitable Trust, at Yogiraj Baldeo Mahavidyalaya, Benipuri Nagar, Taraiya, Saran.
 2. Devendra Singh Son of Late Ramjee Singh Principal Incharge-Cum-Secretary of the Yogiraj Baldeo Singh Mahavidyalaya, Benipuri Nagar, Taraiya, Saran.
 3. Sri Prabhu Nath Singh Son of Late Paras Nath Singh Secretary, Deoraha Baba Education and Charitable Trust, at Yogiraj Baldeo Singh Mahavidyalaya, Benipuri Nagar, Taraiya, Saran.

.... Petitioner/s

Versus

1. The Punjab National Bank through the Managing Director of Punjab National Bank, Bhikaji Cama Place, New Delhi.
2. The Chairman-cum-Managing Director, Punjab National Bank, Bhikhaji Cama Place, New Delhi.
3. The Zonal Manager Punjab National Bank, having its Zonal Office at R.Block, Patna.
4. The Regional Manager Punjab National Bank, having his office at Aghoria Bazar Chak Mandal, Muzaffarpur.
5. The Branch Manager Punjab National Bank, Murlipur, Taraiya, Saran, Chapra.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Sr. Advocate.
Mr. Virendra Prasad,
Ms. Nutan Sahay,
Mr. Sanjay Kumar

For the Bank : Mr. Mahesh Naayan Parwat, Sr. Advocate.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 16-02-2017

Heard learned counsel for the petitioner and learned
counsel for the Bank.

The short dispute has taken place of big shape on account
of some misunderstanding or misconception between the
petitioners and Bank, as petitioners are not being allowed to
operate the account of the trust of the College as the account was



being operated earlier under the signature of Bijoy Kumar Singh and Satyendra Kumar Singh alias Satyendra Prasad Singh. Petitioner No.1 is the President, petitioner no.2 is the Principal and petitioner no.3 is the Secretary of Yogiraj Deoraha, Baldeo Singh Mahavidyalay, Benipur Nagar, Tariya, Saran. They are new set of office bearers of charitable trust of the College and on that strength they intend to operate the account of the College which has not been allowed by the Bank.

Learned counsel for the petitioners submits that in terms of the circular of the Bihar School Examination Board every College has created a trust, in terms of circular Secretary and Principal have made authorized agent to operate the Bank account of trust but counsel for the petitioner submits that as per new guideline of the Board the Principal and senior most teachers would operate the Bank account of the trust which is meant for the College.

As stated hereinabove the Bank account was being operated under the signature of Bijoy Kumar Singh and Satyendra Kumar Singh alias Satyendra Prasad Singh. When new committee was constituted Bijoy Kumar Singh vide letter dated 8.8.2014 informed the Bank about new development and requested the new office bearers of the trust., namely, Prabhu



Nath Singh and Awadhesh Kumar Singh would operate the Bank account. It has been informed by the counsel for the petitioners that Bijoy Kumar Singh has already died and Satyendra Kumar Singh alias Satyendra Prasad Singh has been dismissed on the charge of defalcation of the fund of the College. In such situation Satyendra Kumar Singh alias Satyendra Prasad Singh is not ready to co-operate.

Learned counsel for the Bank has pointed out that same Bijoy Kumar Singh has addressed a letter dated 15.12.2014 apprising the Bank that in a wrong manner that petitioners have obtained the letter, at the same time, objected that petitioners should not be allowed to operate the Bank account.

Be that as it may, new set of office bearers have taken charge of the trust. New office bearers are only entitled to operate the account of the Bank but their signatures are properly to be verified and authenticated which would make operation of account amoothly.

In such view of the matter, petitioners are directed to approach the Board apprise them present difficulty in operation of Bank account on account of non-attestation by out going office bearer, one of the office bearer has already died. Board would verify and attest the signature of the persons who will



operate the Bank account, on the form supplied by the Bank. If such process is completed, the Bank will not put any hindrance in the operation of the Bank account. The Bank will be at liberty to obtain permission from the higher authority. If any other formality is required to be done, the petitioners would be obliged to comply the rest formalities. If the petitioners obtain the attestation and verification of the signature from Board the Bank will allow the petitioners to operate the account after proper satisfaction within a period of 15 days from the date of completion of the formalities. The Secretary and President would verify and attest the signature of Principal and senior most teacher of the College.

With the aforesaid observation and direction this writ petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.2.2017
Transmission Date	NA

