

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3546 of 2008

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Sushila Devi, Wife of Ram Niwash Shukla, Resident of Mitanda, P.O. Raipurchor,
P.S. Baddi (Sheosagar), District – Rohtas, At present residing at B/36/12, A-21
Kaivalya Dham, Extension Durgakundm, Varanasi, Uttar Pradesh.

.... Petitioner

Versus

1. The Sasaram Bhabhua Central Co-operative Bank Limited through its
Managing Director, Sasaram, Rohtas.
2. The Managing Director, Sasaram Bhabhua Central Co-operative Bank Limited,
Sasaram, Rohtas.

.... Respondents

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Appearance :

For the Petitioner : Mr. Ram Hriday Prasad, Advocate.
Ms. Maruti Kumari, Advocate.

For the Respondents : Mr. Bijoy Kumar Sinha, AC to AAG-V.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 16-02-2017

Heard both sides.

2. A preliminary objection about maintainability of the
writ petition against the cooperative bank is raised.

3. Learned counsel for the petitioner made his best
efforts to persuade the Court with reference to paragraph 16, 49, 50
and 64 of the judgment reported in *2014 (1) PLJR 695* that this writ
petition is maintainable, even against a society, when the action of the
Managing Committee of the society is arbitrary and capricious. It is
further submitted that the petitioner also moved this Court on earlier
occasion, but the issue with regard to maintainability was not raised.
This Court issued directions to the Managing Committee of the bank
to pass order in accordance with law, but this time the respondents



raised this issue.

4. After hearing learned counsel for the petitioner and learned counsel for the respondents-bank, I find that in view of the Special Bench Judgment of this Court reported in **2014 (1) PLJR 695** in the case of ***The Organizer, Dehri C.D. & C.M. Union Ltd. vs. The State of Bihar & Others***, this writ petition is not maintainable. Similar view has been taken in CWJC No. 10300 of 2008 along with LPA No. 20 of 2016, CWJC No. 13116 of 2015 and LPA No. 546 of 2015 arising out of CWJC No. 7631 of 2013.

5. Considering the facts aforesaid, the writ petition is dismissed as not maintainable.

6. If the petitioner file petition before appropriate authority under the rules of Bihar Cooperative Bank the authority shall dispose of the petition of the petitioner within four months from the date of representation.

(Prabhat Kumar Jha, J.)

KKSINHA/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.02.2017
Transmission Date	

