

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1835 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 2048 of 2013**

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Birendra Kumar, S/O Late Yamuna Prasad, resident of- Khangah, P.O. & Police Station and District- Arbal.

.... Appellant/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Co-operative Department, Government of Bihar, New Secretariat, Patna.
3. The Registrar, Co-operative Societies, Government of Bihar, New Secretariat, Patna.
4. The Assistant Registrar, Co-operative Societies, Siwan Anchal Siwan.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Bipin Bihari Singh, Advocate
Mr. Navin Kumar Singh, Advocate
For the Respondent/s : Mr. Niraj Kumar, A.C. to G.A.-10

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**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)
Date: 09-05-2017**

Having heard learned counsel for the parties, we are of the considered view that under the Cooperative Societies Act of the State, appellant has a statutory remedy of raising the claim for pension, gratuity or retiral benefits and, therefore, a writ petition directly before this Court was not the remedy available to the appellant.

2. Even though the Writ Court has placed reliance on a letter written by the appellant on 05.06.2014 and refused to make



indulgence into the matter, we grant liberty to the appellant to take recourse to the statutory remedy available and in case appellant invokes the statutory remedy, ignoring the observations made by the learned Writ Court on 26.08.2016 with regard to the letter dated 05.06.2014 written by the appellant, the statutory Appellate Authority shall decide the issue afresh in accordance with law.

3. With the aforesaid observation, we dispose of the Letters Patent Appeal.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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