

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6537 of 2016

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1. Er. Ramesh Kumar Singh S/o late Lakshmi Shankar Singh Resident of Kailashpuri ,Ward no. 34, Bypass road, Polytechnic area, PS Saharsa District Saharsa.

.... Petitioner/s

Versus

1. Indian Red Cross Society through Indian Red Cross Society, Bihar State Branch, Patna through the President , India Red Cross Society, North Gandhi Near SK Memorial Hall, Patna.
2. The Indian Red Cross Society, Brach Saharsa through the President, Saharsa Branch.
3. The District Magistrate-cum-President, The Indian Red Cross Society ,Saharsa Branch Saharsa.
4. Dr. Abul Kalam, S/o Not known to petitioner, Resident of Meer Tola, Bangaon, Road, District Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S.B.K. Manglam, Adv.
For the State : Mr. Vivek Anand Amritesh, A.C. to SC-28
For the Respondent no.4 : Mr. Ashok Kumar Mishra, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 13-11-2017

Heard Mr. S.B.K. Manglam, learned counsel for the
petitioner, Mr. Vivek Anand Amritesh, learned A.C. to SC-28 and Mr.
Ashok Kumar Mishra, learned counsel for the respondent no.4.

2. The petitioner has moved this Court for the following
reliefs :-

- “i. For issuance of an appropriate writ in the nature of CERTIORARI, for quashing the notice dated published in the daily Hindi newspaper dainik Jagran dated 26-03-2016, through which the live members of the Indian Red Cross Society, Saharsa branch has been informed about the general body meeting to be convened on 12-04-2016 for the purposes of selection of managing committee of the said society on the



ground that pursuant to the earlier similar notice dated 14-11-2015, the election had already taken place on 25-11-2015 in which the writ petitioner was uncontested elected as the Chairman of the Society and other office bearers were also elected uncontested on 25-11-2015 itself.

- ii. For a declaration that if there was no contest for any of the post of the office bearers of the society of the Managing Committee and therefore the Managing Committee was constituted by uncontested election, it was the duty of the Respondent No. 3 to communicate the constitution to the Respondent No. for approval in view of the bylaws of the society and there was no occasion for him to come out with impugned notice.
- iii. For issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the Respondent No. 1 to 3 to allow the petitioner and other members of the Managing Committee to discharge their function in the interest of the Society which has been constituted for a pious object.
- iv. For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner is entitled under the facts and circumstances of the case.”

3. No material has been produced before the Court to satisfy that the Indian Red Cross Society, Saharsa Branch is the State within the meaning of Article 12 of the Constitution of India. Prima facie, this writ petition does not appear to be maintainable in view of the decision of this Court in the Organizer, Dehri C.D. & C.M. Union Ltd. Vs. The State of Bihar & Ors. [2014(1) PLJR 695].

4. In that view of the matter, the writ petition is dismissed. The dismissal of this writ petition would not debar the petitioner from



seeking remedy before any other forum/court.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	15-11-2017
Transmission Date	

