

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 7050 of 2017

=====

Dipesh Kumar, Son of Ram Narain Sahni, resident of Village- Sri Rampur, Police Station- Rajnagar, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Co-operative Department.
2. Bihar State Election Authority, 32 Harding Road, Patna- 800001 through its Secretary.
3. District Magistrate-cum-District Election Officer (Fisheries), Madhubani.
4. District Co-operative Officer-cum-Deputy District Election Officer (Fisheries), Madhubani.
5. Block Development Officer-cum-Election Officer, Rajnagar, District- Madhubani.

..... Respondents 1st Set

6. Rajnagar Prakhand Matasyajivi Sahyog Samiti having its Office at Navtol, P.S.- Rajnagar, District- Madhubani through its Secretary, Bhogendra Mukhiya.
7. Bhogendra Mukhiya, Son of Singheshwar Mukhiya, resident of Village- Simri Nav Tol, P.S.- Rajnagar, District- Madhubani. at present secretary of the Managing Committee of the Society (Respondent no.6).

.... Respondents 2nd Set

=====

Appearance :

For the Petitioner/s	:	Mr. Uma Kant Tiwary, Advocate
For the State	:	Mr. Sushil Kumar, G.P. 22
For the SEC	:	Mr. Mukesh Kumar, Advocate
For the Respondents No. 6 & 7:	:	Mr. Pashupati Prasad Sinha and Mr. Deepak Kumar, Advocates

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 30-06-2017

Heard learned counsel for the petitioner, State and respondents no. 6 and 7.

2. The petitioner has moved the Court seeking the following reliefs:

“(i) An appropriate writ, order or direction commanding the respondents especially the respondent no. 5 to include the name of the petitioner and 1382 others as mentioned in the list, be issued.



(ii) An appropriate writ, order or direction declaring the decision of the respondents 2nd set contained in letter dated 20.03.2017 being contrary to the guideline of the respondent no. 2 as illegal, arbitrary, void and without jurisdiction, be issued.

(iii) Further, prays for issuance of any other appropriate writ/writs, order/orders, direction/directions and/or relief/reliefs which the petitioner is entitled to in the facts and circumstances of the case.”

3. The petitioner along with others had filed an application before the Block Development Officer, Madhubani seeking membership to *Rajnagar Prakhanda Matasyajivi Sahyog Samiti Ltd.* (hereinafter referred to as the ‘Society’) in the district of Madhubani. The same was forwarded to the Society on 06.03.2017 and the Society in a meeting of the Managing Committee held on 11.03.2017, rejected all the applications. The petitioner being aggrieved has moved before this Court.

4. After some arguments, in view of Rule 7 of the Bihar Co-operative Societies Rules, 1959 (hereinafter referred to as the ‘Rules’), the parties have agreed that since the applications for membership of 1383 applicants have been rejected on technical ground, if they file fresh application, the same shall be considered on their own merit.

5. Accordingly, the writ petition stands disposed off with liberty to all the 1383 persons, whose applications for membership has been rejected to apply afresh to the Secretary of the



Society within two weeks from today. In case, the same is not accepted, they shall be at liberty to submit their application in terms of Rule 7(1)(c) of the Rules, before the Block Development Officer, Assistant Registrar or the District Co-operative Officer within the next one week. Upon the same being done, if the application is filed before an authority other than the Secretary of the Society, the same shall immediately be forwarded to the Society by the concerned officer. Thereafter, a decision shall be taken by the Managing Committee of the Society in terms of the Rule 7 (1) (d) and (e) of the Rules. The petitioner shall serve a copy of the order on respondents no. 4, 5 and 6/7 within one week from today.

6. It goes without saying that the past rejection shall not come in the way of the Society in considering the case of the applicants which shall be done based on the fresh application filed by them.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	

