

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16575 of 2013

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Sheo Prasad s/o Late Mohan Prasad, resident of village+post: Darihat, P.S. Darihat, District: Rohtas at the relevant time posted as Incharge Section Officer, Provident Fund Branch, BISCOMAUN, Patna.

... .. Petitioner/s

Versus

1.THE BIHAR STATE COOPERATIVE MARKETING UNION LTD. PATNA THROUGH ITS MANAGING DIRECTOR.
2.THE ADMINISTRATOR, BIHAR STATE CO-OPERATIVE MARKETING UNION LTD., PATNA.
3.THE MANAGING DIRECTOR, BIHAR STATE CO-OPERATIVE MARKETING UNION LTD., PATNA.
4.THE SECRETARY,BIHAR STATE CO-OPERATIVE MARKETING UNION LTD., PATNA.
5. THE SPECIAL OFFICER (ADMINISTRATION), BIHAR STATE CO-OPERATIVE MARKETING UNION LTD., PATNA.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Adv
For the Respondent/s : Mr. Amaresh Kumar Singh,

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 12-02-2018

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

The present writ petition under Article 226 of the Constitution of India has been filed by the petitioner for quashing the memo dated 12.06.2013 passed by Special Officer (Administration) Bihar State Co-operative Marketing Union Ltd, Patna (BISCOMAUN) (Annexure-6) by which petitioner was compulsorily retired from service as well as



memo dated 12.07.2013 (Annexure-7) by which punishment of recovery has been made from all other consequential benefits.

A counter affidavit has been filed on behalf of BISCOMAUN, in which, it has been stated that both at the time of passing of the impugned orders and filing of the writ petition, the BISCOMAUN was managed by an elected Managing Committee and not by the Administrator and as such in view of law laid down by this Court in the case of **The Organizer, Dehri C.D. and C.M. Union Limited vs. The State of Bihar and Ors** since reported in **2014(1) PLJR 695**, BISCOMAUN being a registered co-operative society and having an elected Managing Committee is not amenable to writ jurisdiction of the High Court. Secondly, it has been argued that petitioner has not exhausted his statutory remedy preferring appeal before the Board of Directors of the BISCOMAUN, which is the Appellate Authority.

The writ petition is disposed of with a direction to the Appellate Authority to decide the appeal filed by petitioner expeditiously preferably within a period of three months from



the date of receipt/production of a copy of this order passed by
this Court.

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	20.02.2018
Transmission Date	20.02.2018

