

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21552 of 2013

=====

Harendra Singh, S/o Sri Ramji Rai, resident of Village- Lilari, P.O- Meyari Bazar,
P.S. - Baghaila, District- Rohtas.

.... Petitioner

Versus

1. The Sasaram Bhabhua Central Co-operative Bank, Sasaram, Rohtas through Its Managing Director
2. The Managing Director, Sasaram Bhabhua Central Co-operative Bank, Sasaram, Rohtas cum Certificate Officer.
3. The Branch Manager, Sasaram Bhabhua Central Co-operative, Nokha, Branch, Nokha, Rohtas.

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Rakesh Narayan Singh, Advocate

For the Respondents : Mr. Bindhyachal Rai, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 23-08-2018

Heard learned counsel for the petitioner as well as learned
counsel for the respondents.

2. The present writ petition has been filed for quashing the entire proceeding in Certificate Case No. 191/2013-14 along with requisition and notice contained in Annexures 1 & 2 since not only the requisition is bad but also the respondent no. 2 Managing Director has got no authority and jurisdiction to act as Certificate Officer.

3. Learned counsel for the petitioner as well as learned counsel for the respondents are in agreement that the issues involved in the present writ petition are squarely covered by the decision of this Court dated 19.01.2016 passed in CWJC No. 509 of 2014 (*Birendra Prasad Singh Vrs. The Sasaram Bhabhua Central Co-operative Bank &*



Ors.) and analogous cases wherein the following submissions of the petitioner were accepted by this Court in paragraph 3 thereof:

“3. Mr. Vinod Kanth, learned Senior counsel appearing on behalf of all the petitioners raises several grounds in support of his contention that the certificate proceedings are not maintainable in law. Primarily, he submits that the Certificate Officer appointed in the present cases happens to be the Managing Director of the respondent-Bank which amounts to a person being judge in his own cause. It is further submitted that the petitioners are the Chairman of the respective primary Agriculture Co-operative Society (for short “the PACS”) and inasmuch as the agreements were entered into between the PACS and the respondent Bank, the certificate proceedings could not have been initiated against the petitioners in their individual capacity.”

4. The writ petition is accordingly disposed of in line with and on the same terms in CWJC No. 509 of 2014 (*Birendra Prasad Singh Vrs. The Sasaram Bhabhua Central Co-operative Bank & Ors.*) and analogous cases.

5. The writ petition is allowed with liberty to the respondents to initiate fresh certificate proceeding in accordance with law.

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	31.08.2018
Transmission Date	N.A.

(Vikash Jain, J)

