

**IN THE HIGH COURT OF JUDICATURE AT PATNA****Civil Writ Jurisdiction Case No.9284 of 2008**

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Chandra Mohan Pd. Trivedi, son of late Baidhya Nath Prasad Trivedi, resident of village-Sherpur, P.O.- M.I.T. Bella P.S. Sadar, District- Muzaffarpur at present dismissal Assistant-cum-Cashier, Vaishali Central Co-operative Bank, Hajipur, Vaishali.

.... .... Petitioner

Versus

1. The State of Bihar, through its Commissioner-cum- Secretary, Department of Co-operative Bihar, Vikash Bhawan, Patna.
2. Registrar, Co-operative Societies, Bihar, Patna.
3. Joint Registrar, Co-operative Societies, Bihar, Patna.
4. Joint Registrar, Co-operative Societies, Muzaffarpur.
5. Central Co-operative Bank, Vaishali at Hajipur.
6. Managing Director, Vaishali District Central Co-operative Bank, District- Vaishali.

.. .... Respondents

**Appearance :**

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|----------------------|--------------------------------------|
| For the Petitioner/s | : Mr. Dhananjay Kr. Pandey, Advocate |
|                      | : Mr. Ashok Kumar Singh, Advocate    |
| For the State        | : Mr. Binita Singh, S.C.-28          |
|                      | : Mr. Apurv Harsh, A.C. to S.C.-28   |
| For the Bank         | : Mr. Sanjay Kumar                   |

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**

ORAL JUDGMENT

**Date: 13-04-2018**

Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Central Co-operative Bank.

2. In the present case, the petitioner is challenging the



order passed in Service Appeal Case dated 22.01.2008/31.01.2008 vide memo no.30/R.L. dated 01.02.2008 with regard to the order of dismissal of the petitioner passed in order contained in memo no.176 dated 22.07.1986, whereby and where-under, the Managing Director, District Central Co-operative Bank, Vaishali on the ground of illegal distribution of the loan to the different customers. Further made a prayer for quashing the order dated 24.12.2001 and 07.03.2002 as contained in memo no.270/R.L. dated 29.12.2001 and memo no.55/RL dated 16.03.2002 respectively.

3. In the present case, the petitioner was an employee of the Central Co-operative Bank, Vaishali, was proceeded departmentally for his misdemeanour, ultimately, his service was dispensed with. Against that order, he filed an appeal before the Managing Committee of the Central Co-operative Society, which has also been rejected. In the present writ petition, the order of the Managing Committee is under challenge.

4. Primarily, the objection has been raised by learned counsel for the Central Co-operative Bank, Vaishali that the writ petition itself is not maintainable on account of fact that the Co-operative Society does not come under the definition of Article 12



of the Constitution of India, placing reliance on the judgment of this Court in the case of *The Organizer, Dehri C.D. & C.M. Union Limited vs. The State of Bihar and Ors.*, reported in 2014(1) PLJR 695 as well as the decision of the Division Bench passed in L.P.A. No.20 of 2016 (*Rajballabh Singh vs. The Sasaram Bhabhua Central Cooperative Bank Ltd. and Ors.*) and the decision of the Division Bench rendered in the case of *Birendra Singh vs. The State of Bihar & Ors.*, reported in 2017(3) PLJR 179. In all the aforesaid decisions, this Court has held that writ petition is not maintainable.

5. Learned counsel for the respondent-Bank has brought the judgment of this Court passed in C.W.J.C. No.6785 of 2006 (*Lalan Prasad Choudhary vs. The Vaishali District Central Co-operative Bank limited, through its Managing Director, Vaishali at Hajipur and Ors.*) there also the identical question was raised about the maintainability of the writ petition. This Court, in Single Bench, has considered the large number of judgments and arrived to a finding of non-maintainability of the writ petition. Save and except, in the present case, the name of the party changes, but the issue is same and identical.

6. In such view of the matter, this Court is also of the



view that present writ petition is not maintainable. Accordingly, the writ petition is dismissed as not maintainable. However, liberty is given to the petitioner to raise his grievance before the appropriate Forum/Court/Authority.

**(Shivaji Pandey, J)**

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