

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13758 of 2017

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1. Suryadeo Singh @ Surajdeo Singh, Son of Shri Chandeshwar Singh, Resident of Village- Badhauna, P.S.- Sakurabad, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Cooperative Department, Government of Bihar, Patna.
2. The Registrar, Cooperative Societies, Bihar, Patna.
3. The Joint Registrar, Cooperative Societies, Division, Jehanabad.
4. The Ratni Faridpur Vyapar Mandal, Ratni Faridpur Block, District- Jehanabad.
5. The Sesamba Primary Agriculture Credit Co-operative Society Limited, (SESAMBA PACCS), Ratni Faridpur Block, Jehanabad.
6. The Election Officer, Co-operative Societies-cum-Block Development Officer, Ratni Faridpur Block, District- Jehanabad.
7. Anjani Kumar, Block Co-operative Extension Officer, Block- Ratni Faridpur, District- Jehanabad.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sandip Kumar, Adv. Mr. Ansul, Adv.
For the Respondent/s	:	Mr. Sushil Kumar-GP22
For the B.S.F.C.	:	Mr. Shailendra Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 04-01-2018

This writ petition has been preferred by the petitioner for quashing the entry in serial no.11 of the Prapatra-1C containing the list of Primary Agriculture Credit Co-operative Society Limited (for short 'PACCS') under Ratni Faridpur Vyapar Mandal, which shows the petitioner to be disqualified showing him as defaulter issued on 10.08.2017 under the seal and signature of the respondent no.6 as part of Memo No. 733 dated 10.08.2017. The petitioner has further prayed for directing the respondents not to treat him as disqualified candidate



and proceed accordingly.

2. The petitioner claims to be the Chairman of the Sesamba PACCS, which is a Co-operative Society registered under the Co-operative Societies Act, 1935.

3. It is the case of the respondents that the petitioner's Society was provided with cash credit loan on various dates for procurement of paddy by the Magadh Central Co-operative Bank. The Society availed the said loan and the statement of account provided by the Bank shows that the Society is defaulter for Rs.27,37,769.80. The respondents further claims that the petitioner has also availed cash credit loan for Ratni Faridpur Vyapar Mandal by the Magadh Central Co-operative Bank and the Society is defaulter for Rs.45,31,288.24 including interest.

4. The stand taken in the counter affidavit filed on behalf of the respondent nos.1 to 3 has not been disputed by the petitioner by filing rejoinder.

5. In that view of the matter, I see no illegality in the action of the respondents whereby the petitioner has been disqualified. As per Rule 23(2)(a) of the Co-operative Societies Rule, 1959, no delegate/ representative of an affiliated society shall be eligible for election to the Managing Committee, if the affiliated society is in default to the society in respect of any loan taken by it for such period



as is prescribed in the bye-laws or in any case for a period exceeding three months or is in default to the society in respect of any other registered society on the date of filing of nomination. Hence, in view of the said provision, since the petitioner’s Society is defaulter for cash credit loan, he would be disqualified from contesting election.

6. Even otherwise, a writ petition under Article 226 of the Constitution of India would not be maintainable in such cases in view of the decision of this Court in *The Organizer, Dehri C.D. & C.M. Union Limited Vs. The State of Bihar & Ors. [2014(1) PLJR 695]*.

7. That being so, the writ petition is dismissed.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	09-01-2018
Transmission Date	

