

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8279 of 2018

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Rabindra Nath Mishra, Son of late Narmadeshwar Mishra Resident of Village-Bela,
P.O. Aurangabad, P.S. Aurangabad District Aurangabad-824101

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Education Department, of Cooperative, Government of Bihar, New Secretariat, Bailey Road, Patna-800001.
2. The Registrar Cooperative Societies, Bihar, New Secretariat, Bailey Road, Patna-800001.
3. The Aurangabad District Central Cooperative Bank through its Managing Director-824101.
4. The Managing Director, The Aurangabad District Central Cooperative Bank, Aurangabad-824101.
5. The Board of Directors, The Aurangabad District Central Cooperative Bank, Aurangabad, 824101.
6. The Regional Provident Fund Commissioner, Employees Provident Fund Organization, Road No. R Block, Patna-800001.
7. The Manager, Pension and Group Insurance Department, Life Insurance Corporation of India, Jeevan Prakash Building, Frazer Road, Patna-800001.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prabhat Kr. Singh with Mr. Umesh Pathak, Advocate
For the Respondent No. 6	:	Mr. Pankaj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 19-06-2018

Heard learned counsel for the petitioner and the
respondents.

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

*“That, by this application, the petitioner is
invoking the writ jurisdiction of this Hon’ble
Court for issuance direction/directions in the
nature of a writ of mandamus directing the*



respondents concern to compute and pay the petitioner his entire retiral benefits i.e. pension, Gratuity, Contributory Provident Fund and leave Encashment without any further delay who superannuated from the service from the Aurangabad District Central Cooperative Bank, Aurangabad as Development Officer/ Manager Scale III setting aside the order contained letter No. 750 dated 10-04-2018 issued under signature of respondent no. 4 whereby an order of recovery from the petitioner has been passed.”

3. In view of the decision of a Special Bench of this Court in the case of **The Organizer, Dehri C.D. & C.M. Union Ltd. vs. State of Bihar** reported as **2014 (1) PLJR 695**, the present writ petition, under Article 226 of the Constitution of India, is not maintainable against a Co-operative Society. In the present case, a direction being sought against the Aurangabad District Central Co-operative Bank Limited, which is a registered Co-operative Society, in view of law laid down by the aforesaid Special Bench, the writ petition being not maintainable, stands disposed off.

4. However, the petitioner shall be at liberty to move before the appropriate forum/authority, in accordance with law, for the relief sought for in the present writ petition, which shall be considered on its own merits without being prejudiced by the present



order.

5. If such petition is filed before the appropriate forum/authority; which learned counsel for the petitioner submitted is the Registrar, Co-operative Societies, Bihar, Patna; within six weeks from today, he shall ensure that the proceedings are taken to their logical conclusion, expeditiously and latest within six months.

(Ahsanuddin Amanullah, J)

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