

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.220 of 2018

In

Civil Writ Jurisdiction Case No.2477 of 2018

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Ramesh Chandra Chaubey son of late Shyam Kishore Chaubey, R/o village-
Parchha, P.S.- Chutiya, District- Rohtas, the Chairman, the Board of Directors
(erstwhile) Bihar State Cooperative Bank Limited, Bihar, Patna

... .. Petitioner

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar,
Patna
2. Principal Secretary, Department of Cooperative, Government of Bihar,
Vikash Bhawan, Patna
3. The Registrar Cooperative Societies Bihar, Patna
4. The Joint Registrar, Cooperative Societies, Patna
5. The Bihar State Cooperative Bank Limited, through its Managing Director,
Bihar, Patna
6. The Managing Director, Bihar State Cooperative Bank Limited, Bihar,
Patna
7. The Chief Vigilance Officer, Bihar State Cooperative Bank Limited, Bihar,
Patna
8. The National Bank for Agriculture and Rural Development (NABARD)
through its Chief General Manager, Block B, Maurya Lok Complex, Dak
Bunglow Road, Patna

.....Respondents.....Opposite Parties

9. Dharmendra Kumar son of Sri Ram Paras Rai, R/o village- Bira, P.O. Sarai,
P.s.- Hajipur, Sadar, District- Vaishali

.....Writ Petitioner.... Opposite party

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Appearance :

For the Petitioner/s : Mr. Y. V. Giri, Sr. Advocate
Mr. Rakesh Kumar Jha, Advocate
For the Respondent/s : Mr. Raj Ballabh Prasad Yadav (Aag XI)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 06-10-2018 The present application has been preferred by the

applicant herein for modification and review or recall of the

order passed by the Division Bench of this Court on 27.06.2018

in C.W.J.C. No. 2477 of 2018 with C.W.J.C. No. 2976 of 2018.

We have heard Mr. Y. V. Giri, learned Senior Counsel



appearing on behalf of the applicant and Mr. Raj Ballabh Prasad Yadav, learned AAG XI on behalf of the respondents.

While considering and perusing the order passed by the Division Bench of this Court dated 27.06.2018 passed in C.W.J.C. No. 2477 of 2018 and its analogous case, the direction issued by the Division Bench read as under:

“On the petitioners filing a certified copy of this order, the Registrar, Cooperative Societies, Bihar, Patna shall take note of the Inquiry Report, the Special Audit Report and pass appropriate orders with regard to proceedings in the matter under Section 40 of the Act within a period of one month from the date of receipt of certified copy of this order. Needless to emphasize that with regard to the allegations and the findings recorded in the Inquiry Report, we have not expressed any opinion on merit and it is exclusively for the Statutory Authority to hear all concerned and proceed in accordance with law in the proceedings to be initiated under Section 40 of the Act.”

Despite the above, the applicant has preferred the present application. Mr. Y. V. Giri, learned Senior Counsel



appearing on behalf of the applicant submitted that as per decision of this Court, before initiating any proceeding under Section 40 of the Act, a preliminary inquiry is required to be held and, therefore, it may be clarified that before initiation of the proceeding under Section 40 of the Act, the Registrar may follow the procedure as required.

However, considering the direction issued by this Court referred to above, no clarification and/or modification is required as the Division Bench has specifically observed that it is exclusively for the statutory authority to hear all concerned before proceeding in accordance with law in the proceeding to be initiated under Section 40 of the Act. Therefore, if the law is that before initiation of proceeding under Section 40 of the Act a preliminary inquiry is required to be held, the authority will consider the same. The learned Division Bench has already stated that the authority will proceed in accordance with law and, hence, no further clarification is required.

Hence, the present application stands dismissed.

(Mukesh R. Shah, CJ)

(Rajeev Ranjan Prasad, J)

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