

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No. 1341 of 2016

Arising out of

Civil Writ Jurisdiction Case No. 22372 of 2011

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Shiv Shankar Mishra, Son of Late Ram Prit Mishra, Resident of Village +
P.O.- Ghotaho, Police Station- Dalsingsarai, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Mr. Anjani Kumar Singh, the Chief Secretary,
Bihar, Patna.
2. Mr. Chaitanya Prasad, the Secretary, Co-operative Department, Bihar, Patna.
3. Mr. Ajay Kumar Chaudhary, the Registrar, Co-operative Society, Bihar, Patna.
4. Pranav Kumar, the District Magistrate-cum- Administrator, Co-operative
Bank Limited, Samastipur.
5. Nayan Prakash, the Managing Director, Samastipur District Central Co-
operative Bank Limited, Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav, Advocate

For the State : Mr. A. K. Rastogi, A.A.G. 10

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 13-02-2019



Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. Despite copy of application having been served on learned counsel for the Samastipur District Central Co-operative Bank Limited (hereinafter referred to as the 'Bank'), nobody was present, when the matter was taken up and heard.

3. The petitioner has alleged violation of the order dated 24.09.2015 passed in C.W.J.C. No. 22372 of 2011.

4. The order stipulated that in future, if the Bank finds its financial position to be healthy and takes a decision to grant the benefits claimed by the petitioner, the same shall be considered and granted to the petitioner in accordance with law and the policy adopted by the Bank.

5. A show cause has been filed on behalf of the Bank bringing on record copy of order dated 27.04.2016 of the Bank in which the claim of the petitioner has been rejected on the ground of financial condition etc.

6. Learned counsel for the petitioner submitted that by passing such order his claim in future has also been shut off, though the Court had directed for the same, if the financial condition becomes healthy.



7. Having regard to the aforesaid, the Court finds that as of now, because of the financial condition which has been referred in the order, no contempt has been committed.

8. Accordingly, the application stands disposed off with the observation that the direction to consider the case of the petitioner, if the financial condition of the Bank is healthy shall remain alive in future also depending on the financial condition of the Bank.

(Ahsanuddin Amanullah, J.)

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