

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24166 of 2019

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Shailesh Prasad Son of Sri Baidyanath Prasad, Resident of Village and P.O.-
Tarwa, P.S.- Kopa, District- Saran.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Co-operative Department, Government of Bihar, Patna.
2. The Registrar, Co-operative Department, Government of Bihar, Patna.
3. The Deputy Registrar, Co-operative Department, Bihar, Patna.
4. The District Co-operative Officer, Saran.
5. The State Election Authority through its Joint Secretary, Govt. of Bihar, Patna.
6. The Chairman, Primary Agriculture Credit Society(PACS), Deoriya , Under the Jalalpur Block, Saran.
7. The Manager, Primary Agriculture Credit Society(PACS), Deoriya , Under the Jalalpur Block, Saran.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Shashi Shekhar Tiwary
For the Respondent State: Mr. Rakesh Ranjan, AC to GP-22
For the Respondent Election Authority : Mr. Mukesh Kumar

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 05-12-2019 Learned counsel appearing on behalf of the

petitioner seeks permission to correct a typographical error in

paragraph 1(i) of the writ application.

Permission is accorded.

Let the correction be made in course of the day.

Following is the relief, which the petitioner is

seeking : -

**“(i) The Respondent No. 4 may kindly be
directed to immediately accept the on line
applications made (as per law, in time) adding the**



applicants name in the member list (Electoral Roll) of PACS in question.

(ii) The Respondents also may kindly be directed to examine the conduct of Respondent No. 7 and 8 whereby dead person of the old Electoral Roll have been carry forward for the New Electoral Roll to participate the PACS Election 2019 and include the name of those candidates in New voter list who were also in old voter list but got targeted with wrong motive.

(iii) The Respondent also may kindly be directed to enquire the conduct of the Respondent No. 7 and 8, whereby only seven persons (who belongs to said respondent) illegally have been used as witness for more than 100 members who were added in the new voter list of the PACS in question.

(iv) The Respondents also may kindly be directed to examine the validity of the Management Committee with regard to its constitution and function as well since prior to constitution of the Committee in question no steps, so required under the law (viz prior notice to its members, their valid participation etc) was ever been followed and the Chairman appointed/selected his own brother as Manager of the said committee without following due process of law and may kindly declare all the steps so taken by them as nonest in the eye of law.

(v) The Respondents also may kindly be directed to examine the veracity of the affidavit so used by the respondent No.7 and 8 against the candidates bonafide who wanted to got their name be added in the new voter list of year 2019.

(vi) Any other relief/reliefs as also may kindly be allowed for which the petitioners their member be found entitled nor the opinion of this Hon'ble Court."



The dispute pertains to preparation of electoral roll of Primary Agriculture Credit Society (PACS) Deoriya in Jalalpur Block of the district of Saran.

Elections have already been announced. My attention has been drawn to a Division Bench decision of this Court in case of *Gajendra Singh vs. The State of Bihar and Others*, dated 18.11.2019 (C.W.J.C. No. 22149 of 2019), wherein the following order has been passed : -

“Our attention is invited to the fact that the elections are already stand notified vide notification dated 31st of October,2019.

If that were so, we are afraid, we cannot entertain the present petition and, therefore, dispose of the present writ petition reserving liberty to the petitioner to raise all issues before the concerned authorities in accordance with law.

Our attention is also invited to such similar order dated 10.08.2009 passed in L.P.A. No. 1028 of 2009.”

This writ application also stands disposed of in terms of the observations made by the Division Bench in case of *Gajendra Singh* (supra), as noted above.

(Chakradhari Sharan Singh, J)

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