

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25369 of 2019

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Shobhakar Singh @ Shobhakar Kumar Singh @ Kanhaiya Singh, aged about 46 years (Male), Son of Late Jagdish Prasad Singh, Resident of Village- Sakarpura Betauna, P.S.- Madhepura, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Co-operative, Government of Bihar, Patna.
2. The District Collector cum District Election Officer (PACS) Madhepura, P.S.- Madhepura, District- Madhepura.
3. The Deputy Development Commissioner cum Nodal Officer (PACS Election) Madhepura, P.S.- Madhepura, District- Madhepura.
4. The District Co-operative Officer cum District Deputy Election Officer (PACS) Madhepura, P.S.- Madhepura, District- Madhepura.
5. The Block Development Officer cum Election Officer (PACS) Madhepura, P.S.- Madhepura, District- Madhepura.
6. The Chief Election Officer, Bihar State Election Authority, 32 Harding Road, Patna.
7. The Managing Director, the Bihar State Cooperative Bank Ltd. Patna.
8. The Branch Manager, Bihar State Co-operative Bank Ltd. Branch- Bihat, Begusarai.
9. Sri Dhiraj Kumar Mishra, The Co-operative Extension Officer cum Administrator, Sakarpura Betauna PACS, Block- Madhepura, P.S.- Madhepura, District- Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Dr. Sanjay Kumar Singh, Advocate
For the State	:	Mr. Mahendra Prasad Verma, AC to SC 20
For the State Election Authority	:	Mr. Mukesh Kumar Singh, Advocate
For the Bank	:	Mr. S. N. Pathak, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 19-12-2019

Heard learned counsel for the petitioner; learned AC to SC 20 for the State; learned counsel for the State Election Authority and learned counsel for the Bihar State Cooperative Bank Limited (hereinafter referred to as the 'Bank').



2. The petitioner has moved the Court for the following

reliefs:

“(I) To quash the dissolution order dated 26/11/2019 passed by the District Co-operative Officer, Madhepura whereby the Managing Committee of Sakarpura Betauna PACS has been suspended for a period not exceeding 6 months or till its election and members of Managing Committee including the Chairman (year 2009-14) have been disqualified from being elected to the Managing Committee for not exceeding 5 years and Sri Dhiraj Kumar Mishra, Co-operative Extension Officer, Madhepura has been appointed as Administrator of Sakarpura Betauna PACS under Section 41 of the Bihar Co-operative Society Act, 1935 (Annexure-4).

(II) To quash the order dated 30/11/2019 passed by the Block Development Officer cum Election Officer (PACS), Madhepura whereby nomination of the petitioner for the post of Chairman, Sakarpura Betauna PACS has been rejected in the light of the order of the District Co-operative Officer, Madhepura issued Vide letter No. 1158 dated 26/11/2019 and letter 4990 dated 28/5/2019 issued by the Registration, Co-operative Societies Bihar, Patna whereby the petitioner has been disqualified (Annexure-6).

(III) To direct the respondents to maintain status quo of the election of Managing Committee Sakarpura Betauna PACS as this PACS has been suspended due to mismanaging the affairs of the Society, negligent in the performance of the duties and found defaulter for payment of a loan of Rs. 6,78 lacs.

(IV) To pass any order or directions for which the petitioner is entitled to in law.”



3. In view of election having been held and results declared on 09.12.2019, the petitioner is now required to move the statutory authorities. Even with regard to challenge to the order passed by the District Cooperative Officer, Madhepura, the petitioner should first invoke the statutory forum of moving before the State Government under Section 41 (6) of the Bihar Cooperative Societies Act, 1935.

4. Accordingly, the writ petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

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