

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 25105 of 2019

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Ramshrestha Singh (Male), aged about 55 years, Son of Sukeshwar Singh,
Resident of Village-Jalasi, P.S. Bathnaha, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Cooperative, Government of Bihar, Patna.
2. The Registrar, Cooperative Societies, Bihar, Patna.
3. The District Magistrate-cum-District Election Officer (Cooperative), Sitamarhi, District-Sitamarhi.
4. The District Cooperative Officer, Sitamarhi, District-Sitamarhi.
5. The Block Development Officer-cum-Returning Officer, 2019 Cooperative Election, Bathnaha Block, District-Sitamarhi.
6. The Block Cooperative Officer, Bathnaha, District-Sitamarhi.
7. The State Election Authority, Bihar, Patna through the Chief Election Officer.
8. The Secretary, the State Election Authority, Bihar, Patna.
9. Ram Kishore Prasad (Male), Son of Nagendra Prasad, Resident of Village and P.O. Kishanpur, P.S. Bathnaha, District-Sitamarhi, presently Chairman of the Managing Committee of Harnahiya Primary Agriculture Credit Cooperative Society, Block-Bathnaha, District-Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pushpendra Kumar Singh, Advocate
For the Bank	:	Mr. Bindhyachal Rai, Advocate
For the Election Authority	:	Mr. Mukesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 13-12-2019

Heard, learned counsel for the petitioner; learned GP 19
for the State and Mr. Mukesh Kumar, learned counsel for the State
Election Authority (hereinafter referred to as the ‘Authority’).

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



“(I) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the order dated 05.12.2019 passed by the Respondent no. 5 on the certificate of Scrutiny whereby and where under he was pleased to reject the nomination of the petitioner which he had filed to contest the election for the post of Chairman of Harnahiya Primary Agriculture Credit Cooperative Society (hereinafter referred to as the PACCS) for which election was scheduled on 15.12.2019 on the ground that the said rejection of nomination by the Respondent no. 5 is illegal, arbitrary and malafide.

(II) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent no. 5 to accept the nomination of the petitioner for the post of Chairman of Harnahiya PACCS for which election is scheduled on 15.12.2019 and allow the petitioner to contest the election on the ground that if in the voter list published by the Returning Officer, the petitioner has been shown as the full member of the Society, the Returning Officer was not justified in rejecting his nomination, if any objection was raised to this effect that the petitioner being a co-member is not eligible to contest the election.

(III) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.”

3. In view of the fact that elections have already been notified on 31st October, 2019, the Court may only observe that any dispute of the present nature is now required to be raised, after the elections, by way of an election dispute before the competent authority under Section 48 of The Bihar Co-operative Societies Act, 1935.



4. In view thereof, the application stands disposed off
with liberty aforesaid.

(Ahsanuddin Amanullah, J.)

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