

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6640 of 2020

=====

Satyendra Amrtya Katyayan @ Satyendra A. Katyayan Son of Prakash Choubey, Resident of Village-Badhanaul, P.S. Dawath, District-Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Principal Secretary, Co-operative department, Bihar, Patna.
3. The Registrar, Co-operative Societies, Bihar, Patna.
4. The District Co-operative Officer, Rohtas.
5. The Block Development Officer, Dawat, Rohtas.
6. The Block Co-operative Officer, Dawat, Rohtas.
7. The Branch Manager, the Sasaram Bhabua Central Co-operative Bank Limited, Bikramganj Branch, Rohtas, Sasaram.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
For the State	:	Mr. Mahendra Prasad Verma, AC to SC-20
For the Co-operative Bank:		Mr. Vindhayachal Rai, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 30-07-2021 Heard Mr. Sanjay Kumar, learned counsel for the petitioner, Mr. Mahendra Prasad Verma, learned AC to SC-20 for the State and Mr. Vindhayachal Rai, learned counsel for the Co-operative Bank through video conferencing.

2. Learned counsel for the petitioner at the very outset submits that he is not pressing the relief for setting aside the order dated 6.12.2019 whereby the nomination filed by the petitioner for the post of Chairman, Babhanaul PACS, was rejected on the ground of his being defaulter as per letter issued



by the Branch Manager of Sasaram Bhabua Central Co-operative Bank Limited, Bikramganj Branch, Rohtas, Sasaram (Respondent No. 7) and also not pressing for cancellation of the election of Babhanaul PACS which was held on 13.12.2019. The petitioner confines his prayer for taking appropriate action against the Block Development Officer, Dawat, Rohtas (Respondent No. 5), for blatant violation of the letter issued by the Registrar, Co-operative Societies, Bihar, Patna (Annexure P/2) dated 27.10.2016 by Respondent No. 5 inasmuch as by the said letter, the Returning Officers were directed not to reject the nomination of the candidates on the ground of defaulter on the basis of communication/request of the bank unless a final order in this regard has been passed by the competent authority.

3. Learned counsel for the petitioner submits that the aforesaid letter at Annexure-P/2 has been issued in view of the law laid down by this Hon'ble Court in CWJC No. 16517 of 2014 but Respondent No. 5, Block Development Officer, Dawat, Rohtas, in blatant violation of the law laid down by this Hon'ble High Court as well as in violation of the instruction/letter vide Annexure P/2, issued by the Registrar, Co-operative Societies, has rejected the nomination of the petitioner



for contesting the PACS election of Babhnaul, P.S. Dawat, Distt. Rohtas, on the ground that the petitioner was defaulter in payment of loan of KCC amount as communicated to the Respondent No. 5-Block Development Officer, Dawat, Rohtas, by the Manager of the Central Co-operative Bank, Sasaram, who is not the competent authority as per letter dated 27.10.2016.

4. In view of the aforesaid submission, learned counsel for the petitioner proposes to file a representation before the Principal Secretary, Co-operative, i.e. Respondent No. 2, complaining against the action of Respondent No. 5 in not adhering to the instruction issued by the Registrar, Co-operative Societies, vide letter dated 27.10.2016 at Annexure P/2.

5. Considering the above submission and without expressing any opinion on merit of the case, the petitioner is permitted to file a representation before respondent No. 2 i.e. the Principal Secretary, Co-operative Department, Bihar, Patna, within a period of two weeks' from today. Needless to say that if such a representation is filed by the petitioner before the Respondent No. 2, the Respondent No. 2 shall dispose the same within a period of two months in accordance with law from the



date of filing of the representation.

6. With aforesaid observation and direction, this writ application is, accordingly, disposed of.

(Anil Kumar Sinha, J)

S.Ali/-

U			
---	--	--	--

