

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8750 of 2020

Bindeshwari Raut, Son of Sitaram Raut, resident of Village - Khajuriya, P.S.-
Malahi, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Co-operative Societies, Bihar Patna.
2. The Principal Secretary, Department of Co-operative Societies, Bihar, Patna.
3. The Registrar, Co-operative Societies, Bihar, Patna.
4. The District Magistrate, East Champaran, Motihari.
5. The District Co-operative Officer, East Champaran, At - Motihari, District - East Champaran.
6. The Assistant Registrar, Co-operative Societies, Motihari Circle, Motihari, District - East Champaran.
7. The Block Co-operative Officer, Areraj, District - East Champaran.
8. The Bihar State Election Authority at 32, Harding Road, Patna through its Joint Secretary.
9. The Joint Secretary, Bihar State Election Authority at 32 Harding Road, Patna.
10. The Mamarakha Tola Bhaiya Primary Agricultural Credit Co-operative Society Limited (Mamarkha Tola Bhaiya PACS), Block - Areraj, District - East Champaran through its Administrator the Block Co-operative Officer, Areraj, District East Champaran.
11. The Administrator (Block Co-operative Officer Areraj, District East Champaran), Mamarakha Tola Bhaiya Primary Agricultural Credit Co-operative Society Limited (Mamarkha Tola Bhaiya PACS), Block - Areraj, District - East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey No.5
For the Respondent/s : Mr.Lalit Kishore (AG)

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 23-03-2021 Heard Mr. Sanjay Kumar Pandey, learned

counsel for the petitioner and Tripurari Nath Ambastha,

learned counsel for the State.



The present writ petition has been filed against the direction of the Assistant Registrar to admit more than 367 persons as members of Mamarakha Tola Bhaiya PACS. A prayer has been made in the writ petition therefore to review the membership profile of the aforesaid PACS in which many persons who are not entitled to be brought in as members of the Cooperative Society have been directed to be made member of such society.

It has been submitted on behalf of the petitioner that many of the persons who have been directed to be inducted as members by the Assistant Registrar of the Society had applied for becoming a member but their applications were rejected on the ground that they did not qualify to become the member of the PACS.

It has further been submitted on behalf of the petitioner that once the application of such desirous persons was rejected, they had the option of



approaching the Registrar in appeal within 60 days of such communication to them, whose decision would have been final.

As opposed to the aforesaid contention, the learned counsel for the State has drawn the attention of this Court to Rule 7(4) of Bihar Cooperative Societies Rules, 1969, which reads as hereunder:

"[(4) Notwithstanding anything contrary contained in this Rule or bye-laws of a Primary Agriculture Credit Society, if any person applies for membership of such a society with a declaration to the Block Development Officer or Assistant Registrar, Co-operative Societies or District Co-operative Officer that-

(a) he fulfils the criteria for attaining membership of such a society,

(b) no other member of his family is a member of the society and

(c) he has applied for membership to the managing committee of such society and has not been admitted as a member,

The concerned Block Development Officer or Assistant Registrar Co-operative Societies or District Co-operative Officer, as the case may be, shall order such person to be made a member of the said society.]"

The learned counsel for the petitioner however submits that the order passed by the Assistant Registrar, Cooperative Societies can be challenged before the



District Magistrate of the concerned district.

This Court deems it appropriate that the petitioner be asked to make a detailed representation before the District Magistrate, outlining his grievance against the decision of the Assistant Registrar and the concerned District Magistrate be directed to look into those allegations and pass a reasoned order.

This writ petition therefore is disposed off with a direction to the petitioner to approach the concerned District Magistrate within a period of two months. On receipt of the aforesaid representation, the concerned District Magistrate shall look into the entire aspect of the matter and shall pass orders in accordance with law and shall communicate the decision to the petitioner forthwith.

The writ petition stands disposed off.

(Ashutosh Kumar, J)

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