

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1054 of 2021**

1. Amit Kumar Son of Sahdev Tanti Resident of Mohalla- Ward No.1, Barauni-2, Police Station- Teghra, District- Begusarai.
2. Sumit Kumar Son of Pawan Kumar Ray Resident of Mohalla- Pipra, P.O.-Dumri, Police Station- Town, District- Begusarai.
3. Amit Kumar Son of Nityanand Choudhary Resident of Mohalla at Fateha, P.O. Fateha, Police Station- Bachhwara, District- Begusarai.
4. Gopal Kumar Son of Ram Prakash Singh Resident of Mokhityarpur, Ward No.16, Police Station- Bhagwanpur, District- Begusarai.
5. Suraj Kumar Son of Ramu Raut Resident of Teghara Bazar near Golghar, Police Station- Teghra, District- Begusarai.
6. Kundan Kumar Son of Ajay Kumar Ishwar Resident of Siuri Ward No.11, Police Station- Cheria Bariyarpur, District- Begusarai.
7. Hemant Paswan Son of Dinesh Paswan Resident of Chandpura Korla, Korla Haibatpur, Police Station- Muffasil, District- Begusarai.
8. Vikash Kumar Son of Kumar Ganesh Shankar Resident of Brindawan Ward No.3, Police Station- Nav Kothi, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Co-operative, Govt. of Bihar, New Secretariat, Patna.
2. The Registrar, Co-operative Societies, Department of Co-operative, Govt. of Bihar, Patna.
3. The Board of Directors through its Chairman, the Begusarai Central Co-operative Bank Ltd. Begusarai.
4. The Managing Director, the Begusarai Central Co-operative Bank Ltd. Begusarai.

... .. Respondent/s

**Appearance :**

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|--------------------------------------------------|---|-----------------------------------------------------------------------|
| For the Petitioner/s                             | : | Mr. Aditya Narain Singh, Advocate<br>Mr. Kundan Kumar Sinha, Advocate |
| For the State                                    | : | Mr. Uday Shankar Sharan Singh, GP-19                                  |
| For the Begusarai<br>Central Cooperative<br>Bank | : | Mr. Kishore Kumar Sinha, Advocate                                     |

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

3      17-08-2021      Heard Mr. Aditya Narain Singh, learned counsel for  
the petitioners, Mr. Uday Shankar Sharan Singh, learned GP-19



for the State and Mr. Kishore Kumar Sinha, learned counsel appearing for the Begusarai Central Co-operative Bank Ltd.

2. The petitioners have filed the present writ application for a direction to the Respondent-Bank to consider the claim of the petitioners for regularization/absorption of their services in terms of the personal Policy of absorption of the employees working in the Bank on contract/daily basis.

3. The petitioners, who are eight in numbers, were appointed as Assistant Computer Operators in the year 2015 on contract basis and pursuant to the Policy at Annexure-3, the petitioners are entitled to be absorbed in the services of the Bank. The policy of absorption of the Bank at clause (V) at Annexure-3 is quoted hereinbelow:-

***“(V) Absorption of employee working in the bank on contract/Daily Basis:***

*The Board of Directors may absorb such contractual/daily basis employees in the regular service of the Bank who have come through different sources as per bank requirement and completed at least five years of continuous service in the Bank, his performance is satisfactory and there is no adverse remark against him. Provided further that in such absorption the policy of reservation and roaster point shall be taken*



*into consideration. Provided further that the Board may relax the maximum age for appointment in case of such absorption as determined in the service condition. Absorption of the employee can be done through interview organized by interview committee”.*

4. Learned counsel for the Bank referring to the counter affidavit submits that in the year 2015-16, some of the employees were regularized but, on the basis of complaint made before Hon'ble *Lokayukta*, Bihar, a surcharge proceeding was initiated by the Registrar Cooperative Societies, Bihar, against the Chairman and other Members of the Board of the Respondent-Bank. Learned counsel further submits that Hon'ble *Lokayukta*, thereafter, on the basis of the complaint and by its interim order dated 18.12.2018 found the action of the Respondent-Bank in regularizing/absorbing the services of the previous employees being illegal and, accordingly, the Board of the Bank was held responsible for the payment of salary to those regularized employees. Accordingly, in order to avoid any anticipated complication in the matter, the Managing Director of the Bank had put objections before the Boards Meeting and sought approval of the Registrar Co-operative Societies before



taking any decision for regularization of the writ petitioners.

5. Learned counsel for the petitioners in reply submits that Annexure-1 is a letter issued by the Registrar Cooperative Societies, Bihar, Patna, addressed to the Managing Director, Central Cooperative Bank Ltd., Bhagalpur, in which it has clearly been stated that as per **Section 44 AV of Bihar Cooperative (Amendment) Adhiniyam, 2008**, the Bank is competent to absorb/appoint the employees and it is the internal and administrative matter of the Bank, upon which, the Bank and its Managing body is competent to take a decision. Accordingly, the Registrar, Cooperative Societies requested the Bank to take appropriate decision in this regard on the basis of appointment/recruitment Policy of the Bank.

6. Having heard learned counsel for the parties and taking into consideration the counter affidavit filed by the Respondent-Bank and the policy of absorption as well as letter at Annexure-1 issued by the Registrar, Cooperative Societies, the Respondent Nos. 3 and 4 are directed to take appropriate decision upon the claim of regularization/absorption of the petitioner in accordance with law, within a period of two months from the date of receipt/production of a copy of this



order.

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

**(Anil Kumar Sinha, J)**

S.Ali/-

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