

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7428 of 2018**

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Ravindra Nath Pathak, son of Late Rajeshwari Nath Pathak, Resident of  
Mohalla - Pathaktoli, Sherghati, P.S. - Sherghati, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Cooperative Department,  
Government of Bihar, Patna
2. The Managing Director, Magadh Cooperative Bank, Gaya, P.S. - Gaya  
Town, District - Gaya.

... .. Respondent/s

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**Appearance :**

|                      |   |                                                                     |
|----------------------|---|---------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Sanjeev Kumar Mishra, Advocate<br>Mrs. Manini Jaiswal, Advocate |
| For the State        | : | Mr. Santosh Kumar Mishra, AC to SC 25                               |
| For the Resp.-Bank   | : | Mr. Sanjay Kumar, Advocate                                          |

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL JUDGMENT**

**Date : 21-01-2021**

Heard learned counsel for the parties.

In this application, the petitioner has sought for retiral  
benefits mentioned in paragraph 1 of the writ application.

Petitioner retired from the post of In-Charge Branch  
Manager of the Magadh Cooperative Bank on 31.08.2017 from  
Sherghati Branch. The pensionary benefit was refused by the  
Managing Director of Magadh Cooperative Bank, who is  
respondent no. 2 herein.

A preliminary objection has been raised that a  
cooperative bank is not “State” or “State machinery” within the  
meaning of Article 12 of the Constitution of India until the  
management of the Bank is taken over from the Managing



Committee and is replaced by an administrator appointed by the Registrar, Cooperative Societies. Reliance was placed on a Special Bench Judgment of this Court reported in 2014(1) PLJR 695 (**The Organizer, Dehri C.D. & C.M. Union Limited vs. The State of Bihar & Ors.**).

Though the learned counsel for the petitioner had sought for adjournment to produce any order whereby the Managing Committee of the Bank was superseded by an administrator appointed by the competent authority of the State, however, no such order has been produced.

Hence, prima facie, the said cooperative Bank is run by a Managing Committee and, as such, the Cooperative Bank is not a “State” within the meaning of Article 12 of the Constitution of India. Therefore, this writ application is not maintainable. Accordingly, it stands dismissed.

However, the petitioner would be at liberty to pursue any other legal remedy available before any other forum.

**(Birendra Kumar, J)**

Kundan/-

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