

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8466 of 2021

Saroj Devi @ Saroj Sinha Wife of Vinay Sharma, resident of Village Baira, Block and Masaurhi, District Patna, currently Post of Chairman of Baira PACS, Block and P.S. Masaurhi, District - Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Co-operative, Government of Bihar, Patna.
2. The State of Bihar through the Secretary Department of Food and Consumer Protection, Patna.
3. The Divisional Commissioner, Patna.
4. The Senior Nodal Officer Procurement, Patna.
5. The District Collector, Patna.
6. The Sub-Divisional Officer, Masaurhi, Patna.
7. The Block Development Officer Masaurhi, Patna.
8. The Senior Additional District Officer Procurement, Patna.
9. The District Co-operative Officer, Patna.
10. The Managing Director Central Co-operative Bank, Patna.
11. The Central Co-operative Bank, Masaurhi Branch, Patna.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. N.K.Agrawal, Senior Advocate Mr. Sabal Kumar Jha, Advocate Ms. Preety Kunwar, Advocate
For the Respondent State:		Mr. Vishwambhar Prasad, AC to AAG-5
For the Respondent Bank :		Mr. Bindhyachal Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

4 23-02-2022 It is an admitted fact, as it emerges from the pleadings on record, that the petitioner's husband was Chairman of Baira, PACS. It is alleged that a total sum of Rs.32,40,321.00



had become due on the said PACS against cash credit loan during the tenure of petitioner's husband as it's Chairman. The respondents intend to recover the amount from the petitioner's husband.

2. In the aforesaid background, this writ application has been filed seeking the following relief : -

“That the writ application is being filed for a direction to the respondents concern to grant cash credit card for procurement of paddy from the farmer to the Baira PACS to the petitioner who was elected on Chairman of said PACS in the years of 2019 but due to malafide intention of respondent the cash credit facility has not provided to the petitioner causing loss and injury to the Baira PACS and its managing committee and/or pass such any order/orders, writ/writs, direction/directions for which the petitioner is found to be entitled in the facts and circumstances of the case.”

3. The petitioner has been put to notice vide letter No.269 dated 30.01.2021 issued by the District Cooperative Officer, Patna, asking her to explain as to why appropriate legal action be not taken against her for inaction on her part as the Chairman of the PACS in ensuring recovery of the said amount



from her husband, the former Chairman of the said PACS. The notice further takes into account the fact of petitioner having been elected as Chairman of the PACS despite she being a member of the family within the definition of Section 2(k) of Bihar Cooperative Societies Act, 1935. The petitioner has accordingly been asked to explain as to why a legal action be not taken against her.

4. Mr. N.K.Agrawal, learned Senior Counsel appearing on behalf of the petitioner has submitted that the petitioner has already responded to the said notice dated 30.01.2021 and an explanation has been submitted by her on 15.02.2021, but till date no decision has been taken thereon by the District Cooperative Officer. He submits that he is confining the petitioner's relief by seeking a direction from this Court to the concerned respondent to take a final decision on the explanation submitted by the petitioner.

5. In view of the facts and circumstances, this application is disposed of with a direction to the District Cooperative Officer, Patna (Respondent No.9), to take a decision in the light of the notice dated 30.01.2021 and the petitioner's explanation dated 15.02.2021 within a period of two months from the date of receipt/production of a copy of this



order.

6. This application stands disposed of accordingly.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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