

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8455 of 2022

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Manaur Alam, S/o Md. Islam, R/o Block Road, P.O. Narkatiyaganj, P.S. -
Shikarpur District- West Champaran.

... .. Petitioner/s

Versus

1. The Reserve Bank of India (R.B.I.) through the Governor, 18th floor, Central Office Building, Sahid Bhagat Singh, Road, Mumbai.
2. The Union of India through the Secretary Ministry of Finance North Block, New Delhi.
3. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
4. The State of Bihar through the Secretary, Department of Cooperative, Government of Bihar, Patna.
5. The Registrar Cooperative Societies Bihar, Patna, Vikash Bhawan, Patna.
6. The Bihar State Co-Operative Bank Ltd., Ashok Rajpath, Patna - 800004, Bihar through its Managing Director.
7. National Bank for Agriculture and Rural Development (NABARD) through its Assistant General Manager, Bihar Regional Office, 4th and 5th Floor, Block- B, Maurya Lok Complex, Patna - 800001.
8. The Managing Director, Central Co-operative Bank Ltd., Ara Tapeshwar Bhavan, Mangal Pandey Path Ara - 802301.
9. The Managing Director, The Aurangabad District Co-operative Bank Ltd. Near Court Compound Katchahari Road Aurangabad (Bihar)- 824101.
10. The Begusarai District Central Co-operative Bank Ltd., Begusarai Mungeriganj, Begusarai Post - Begusarai Dist. - Begusarai Bihar - 851101 through The Managing Director.
11. The National Central Co-operative Bank Ltd. Head Office- Station Road Near Civil Court Ujjain Tola Bettiah West Champaran Bihar - 8454384 through The Managing Director.
12. The Bhagalpur Central Co-operative Bank Ltd. Jageshwar Mandal Bhavan RED Cross Road P.O. and P.S. - Adampur Bhagalpur - 812001 through The Managing Director.
13. The Gopalganj District Central Co-operative Bank Ltd. Court Road Post - Gopalganj Dist. Gopalganj Bihar - 841428 through The Managing Director.
14. The Katihar District Central Co-operative Bank Ltd. S hobha Market, 1st



- floor, Old Bata Chowk Dr. R.P.Path Dist. Katihar Katihar- 854105 through its Managing Director.
15. The Khagaria District Central Co-operative Bank Ltd. Khagaria Mirgiyas Chak Near Krishna Cinema Hall P.O. and P.S. - Khagaria District - Khagaria- 851204 through its Managing Director.
 16. Vaishali District Central Co-operative Bank Ltd. Bank Building H.O. Hajipur Hospital Road District Vaishali Hajipur- 844101 through its Managing Director.
 17. The Magadh Central Co-operative Bank Ltd., Gaya Near SSP Office Gaya - 823001 through its Managing Director.
 18. Motihari District Central Co-operative Bank Ltd. Mothari Coop. Bank Building Ground Floor District Motihari Bhawanipur Zirat Motihari- 845401 through its Managing Director.
 19. Monghyr-Jamui Central Co-operative Bank Ltd. Munger Fort Area Post Munger District Munger Munger- 811201, Bihar through its Managing Director.
 20. Muzaffarpur District Central Co-operative Bank Ltd. Co-operative Bank Building First Floor, H.P.O. Sadar Hospital Road Dist. Muzaffarpur Muzaffarpur - 8420015 through its Managing Director.
 21. Nawadh Central Co-operative Bank Ltd. At and P.O. Nawadh, Kutchehry Road Dist. Nawadh Nawadh-805110 through its Managing Director.
 22. Nalanda District Central Co-operative Bank Ltd. At and P.O. Bihar Sharif Purani Jail Road Collectorate 1st floor District Nalanda Bihar Sharif - 80310116. Patliputra Central Co-operative Bank Ltd. Ground Floor Madan Dhari Bhavan G.P.O. S.P. Verma Road Patna - 800001 through its Managing Director.
 23. Rohika Central Co-operative Bank Ltd. Madhubani Post Thana Chowk Madhubani District Madhubani Bihar - 847211 through its Managing Director.
 24. Samastipur District Central Co-operative Bank Ltd. Court Compound Kashipur Post - Samastipur District Samastipur Bihar - 848101 through its Managing Director.
 25. Purnea District Central Co-operative Bank Ltd. Sahakari Bhavan, 1st floor Court Compound District Purnea Purnea - 854301 through its Managing Director.



26. Siwan Co-operative Central Bank Ltd. H.P.O. Siwan Kutchehry Road District Siwan Chapra Siwan Road Siwan- 841226 through its Managing Director.
27. Sasaram Bhabua Central Co-operative Bank Ltd. Coop. Bank Complex H.O. Sasaram Karghar Road District Rohtas Sasaram- 8211156 through its Managing Director.
28. Sitamarhi Central Co-operative Bank Ltd. Sitamarhi Court Dist. Sitamarhi (Dumra) Sitamarhi - 84330323. District Central Co-operative Bank Ltd. Supaul Head Office Vivah Bhavan Supaul - 852131 through its Managing Director.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Amit Pandey, Advocate
For the Respondent/s : Dr. K.N.Singh, A.S.G.

**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)**

Date : 24-06-2022

Petitioner has prayed for the following relief(s):-

“(i) For issuance of an order(s)/direction(s) or appropriate writ(s) preferably a writ in the nature of quo-warranto be issued directing the respondents to show the authority of law under which Respondent No.-6 & 8 to 28 occupied the post of the Managing Director of the Bihar State Co-operative Bank Ltd. & respective District Central Co-operative Bank Ltd. Thereby declaring their respective appointment on the post of Managing Director to be illegal and void ab initio. And/or

(ii) For issuance of an order(s)/direction(s) or appropriate writ(s) for removal of such person who were appointed contrary to the ‘fit and proper’



criterion as prescribed by the Reserve Bank of India, from the post the Managing Director of the respective District Central Co-operative Bank Ltd., inasmuch as since 9their respective appointment as Managing Director at the respective District Central Co-operative Bank Ltd., as per Section 44B1 of the Bihar Co-operative Societies Act, 1935. And/or

(iii) For issuance of an order(s)/direction(s) or appropriate writ(s) for further direction to the respondent State to keep vigil, update, prepare the list and appoint the Chief Executive Officer/Managing Director in the respective State/District Central Co-operatives Bank in consonance with the 'fit and proper criterion' as prescribed by the Reserve Bank of India as well as in terms of Bye Laws as amended up till now of the Bihar State Co-operative Bank Ltd read with Service Rule of the State Cooperative Bank Ltd. Framed under section 44AV of the Bihar Co-operative Societies Act, 1935 in the State of Bihar And/or.

(iv) For issuance of an order(s)/direction(s) or appropriate writ(s) for further direction to the respondents to refrain to disburse the Short-terms Co-operative Credit Structure (STCCS) "STCCS Package of Rs. 369.43 crore for the State of Bihar" in terms of the recommendation of Vaidyanathan Committee in as much as the Bihar State Cooperative Society miserably failed to comply the 'fit and proper criterion' as prescribed by the Reserve Bank of India making appointment of such Chief Executive Officer/Managing Director therein for the respective District Central Co-operative Banks. And/or

(v) Pass such other order/orders which may appear fit and proper in the facts and circumstances of the instant case."



Just as we were inclined to dismiss the writ petition with heavy cost or we find that in a writ of co-warranto, the person whose appointment is said to be illegal, has not been impleaded as a party, in fact, orally stated that the petitioner is not even aware of his whereabouts; particulars; or credentials, the present petition, taking a lenient view on the oral prayer made by Shri Amit Pandey, learned counsel for the petitioner, is permitted to be withdrawn.

Interlocutory application, if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	29.06.2022
Transmission Date	

