

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.339 of 2021

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Raghav Jha Son of Sri Hrideshwar Jha Resident of Vill.- Sihaul, P.O.- Sihaul,
P.S.- Bihra, Distt.- Saharsa, Ex- Manager, Sihaul Primary Agriculture Credit
Co- operative Society Ltd., under Prakhad Sattar Kataiya, Distt.- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Secretary, Cooperative Department, Bihar, Patna.
2. Registrar Cooperative Society, Patna.
3. District Cooperative Officer Saharsa.
4. Sihaul Primary Agriculture Cooperative Society Prakhad- Sattar Kataiya, Distt.- Saharsa through its President.
5. Sub- Divisional Officer Sadar Saharsa.
6. Sri Jitendra Kumar Singh Son of Bhushan Singh Adhyaksh, Sihaul Primary Agriculture Cooperative Society, Prakhad Sattar Kataiya, District- Saharsa.
7. Managing Committee of the Sihaul Primary Agriculture Cooperative Society Prakhad Sattar Kataiya, through its President Sri Jitendra Kumar Singh.
8. Sri Ajit Kumar Singh Son of Saroj Kumar Singh Resident of Village- Sihaul, P.S.- Bihra, Distt.- Saharsa, at present temporarily posted as Assistant Manager, Adhyaksh, Sihaul Primary Agriculture Cooperative Society, Prakhad Sattar Kataiya, District- Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Baxi S.R.P. Sinha, Sr. Advocate Mr. Lalan Sharma, Advocate
For the Respondent/s	:	Mr. Bindhyachal Rai, Advocate Mr. Manoj Kumar Ambastha, SC-26 Mr. Balram Kapri, AC to SC 26

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

9 20-01-2022 This application has been taken up for online hearing through video conference because of COVID-19 pandemic restrictions.



The petitioner claims that the Managing Committee of Sihaul Primary Agriculture Co-operative Society (PACS) Limited had decided to appoint him as Assistant Manager of the said PACS. It is his case that his engagement has now been terminated, which is illegal.

On perusal of the pleadings on record, it is evident that the dispute relates to the petitioner's termination of service from the PACS, which is a Co-operative Society.

Learned Senior counsel appearing on behalf of the petitioner has submitted that the petitioner was a paid servant of the PACS, and the disciplinary action of removing him from the post has been taken without giving him any opportunity of hearing.

Be that as it may, the petitioner, in our opinion, cannot maintain this writ petition in the facts and circumstances of this case, the Primary Agriculture Co-operative Society not being a state within the meaning of Article 12 of the Constitution of India. We have also noticed that, admittedly, the petitioner's engagement was made without undertaking any selection process.

Further, Section 48 of The Bihar Co-operative Societies Act, 1935, lays down the dispute redressal mechanism



in respect of the disputes relating to the Co-operative Societies but it excludes the disputes regarding disciplinary action taken by the Society or its Managing Committee to the paid servant of the Society. The petitioner's remedy lies somewhere else, which he may avail before appropriate forum/court.

In such view of the matter, this application is dismissed.

It goes without saying that the petitioner shall be at liberty to approach appropriate forum for redressal of his grievance, in accordance with law. We have not entered into the merits of the case.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

K.K.RAO/-

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