

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2654 of 2020

1. Birendra Kumar @ Birendra Mahto Son of Sri Vishundev Mahto Resident of Village-Urain, P.S. Kajra, District Lakhisarai
2. Jitendra Kumar Son of Sri Vishundev Mahto Resident of Village-Urain, P.S. Kajra, District Lakhisarai
3. Ranjan Kumar Son of Sri Krishnandan Mahto Resident of Village-Urain, P.S. Kajra, District Lakhisarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Lakhisarai.
3. The Block Development Officer-Cum-Returning Officer, Suryagarha, Lakhisarai.
4. The Munger-Jamui Central Co-operative Bank Ltd., Munger through its Managing Director.
5. The Managing Director, Munger-Jamui Central Co-operative Bank Ltd., Munger.
6. The Munger-Jamui Central Co-operative Bank Ltd., Suryagarha Branch (Munger) through its Branch Manager.
7. The Branch Manager, Munger-Jamui Central Co-operative Bank Ltd., Suryagarha Branch (Munger)
8. The Urain Primary Agriculture Credit Co-operative Society Ltd. having its Office at Village Urain, P.S. Kajra, District Lakhisarai through its Secretary.
9. Subodh Kumar Son of Late Sitaram Arya Resident of Village Urain, P.S. Kajra, District Lakhisarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Arjun Kumar, Advocate
For the Respondent/s	:	Mr. Manoj Kr. Ambastha (SC-26)
		Mr. Bidhyachal Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 01-08-2023 Heard learned counsel for the petitioner as also

learned counsel appearing for the Munger-Jamui Central Co-

operative Bank and the State.

*The present writ application has
been filed for the following reliefs:-*

(i) for issuance of appropriate writ



for the declaration that the Respondent No. 9 has been illegally elected without protest in Urain Primary Agriculture Credit Co-operative Society Ltd. (PACS for the sake of brevity), Urain. District Lakhisarai as Chairman on 10.12.2019 and consequently he may be removed from the post of Chairman of the said PACS;

(ii) for the issuance of appropriate writ for the direction to conduct of the fresh election for the post of Chairman in the said PACS considering all the three petitioners the candidates of the said election as they are legally entitled for;

(iii) for the issuance of appropriate writ for the declaration that the election of the Respondent No. 9 as a Chairman of the said PACS without protest is a designed conspiracy for giving him the undue benefits;

(iv) for issuance of the appropriate writ for the declaration that the declaration



of the petitioners not suitable and eligible candidates for the election of the Chairman in the said PACS is illegal, arbitrary and a product of conspiracy;

(v) for the issuance of a appropriate writ for the declaration that the petitioners are legally entitled for contest the election of the Chairman of the said PACS and the petitioners cannot be debarred from contesting the said election.

It is the case of the petitioners that they never took any loan and the Bank had issued certificate to this effect (Annexure-3 series to the petition) but illegally, their nominations were rejected by the Returning Officer necessitating this writ petition.

A counter-affidavit has been filed on behalf of the respondent no. 2 and 3, the District Magistrate, Lakhisarai as also the Block Development Officer-cum-Returning Officer, Suryagarha, Lakhisarai and they have annexed letter no. 24 dated 28.11.2019 provided by the Munger-Jamui Central Co-operative Bank Ltd. stating that earlier the certificate issued to the petitioner was/were wrong and further they are defaulter



having taken loan (Annexure-A to the counter affidavit).

In view of the said averment of the State, the learned counsel for the Bank was specifically asked whether there is loan amount against this petitioner or not to which his answer was in-affirmative and he endorsed the document that forms part of the counter affidavit of the State.

It is his further contention that the petitioner instead of invoking the writ jurisdiction, should have taken recourse to Section 48 of the Bihar Co-operative Societies Act, 1935 which relates to dispute including the election dispute.

Without going into the aforesaid facts from the documents filed on behalf of the State, it is clear that all the three petitioners are in the list of defaulters.

In that view of the matter, no case is made out, the petitioners, if so advised, can take recourse to the remedy available under the law of the land.

The writ petition stands disposed of with the aforesaid observations.

(Rajiv Roy, J)

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