

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21649 of 2014

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Mankesh Kumar Son of Late Ramakant Singh, resident of village - Pahlejpur,
P.S- Laxmiganj Police Station - Goreyakothi, District - Siwan, at present
resident of Ramdeo Nagar, Police Station - O.P. Mahadeva, District - Siwan,
the Incharge Assistant, Siwan Central Cooperative Bank Limited Branch
Goreyakothi, Police Station Goreyakothi, District - Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Cooperative Department, Government of Bihar, Patna.
2. The Registrar, co-operative Societies, Bihar, Patna.
3. The Siwan Central Co-operative Bank Limited, Head office Siwan through its Managing Director.
4. The Managing Director, Siwan Central Co-operative Bank Limited, Siwan.
5. The Chairman, the Siwan Central Co-operative Bank Limited, Siwan
6. The Branch Incharge, Siwan Central Co-operative Bank Limited, Branch Basantpur, District-- Siwan-cum-Conducting Officer.
7. The Branch Incharge, Siwan Central Co-operative Bank Limited, Barharia Branch, District Siwan Cum Conducting Officer.
8. The Manager (Headquarter) (Head Office), The Siwan Central Co-operative Bank Limited, Siwan

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Umesh Kumar Mishra, Advocate
For the Respondent/s : Mr.- Rajiv Roy, GP-5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 16-08-2023 1. The present writ petition has been filed
seeking the following reliefs:-

"(i)For issuance of an appropriate



writ in the nature of certiorari for quashing the order as contained in memo no.212 dated 10.11.2014 passed and issued under the signature of the Managing Director, Siwan Central Co-operative Bank Limited, Siwan, by which the petitioner service as the Incharge Assistant Siwan Central Cooperative Bank Limited Branch Goreyakothi, Police Station Goreyakothi, District- Siwan is deemed to be terminated with immediate effect merely on the basis of legal opinion dated 8.10.2014 and also for quashing the order as contained in memo no.465 dated 25.3.2009 passed and issued under the signature of the Managing Director, Siwan Central Co-operative Bank Limited, Siwan, by which the petitioner the Incharge Assistant, Siwan Central Cooperative Bank Limited has been given three punishment (1) termination from the service of the Bank from the date of issuance of order, (ii) during suspension period he will be entitled for only



subsistence allowance and (iii) on the basis of report of audit for recovery under suitable sections of the Cooperative Rule and the Bank Regulation action will be taken.

(ii) For issuance of an appropriate writ in the nature of prohibition by restraining the respondent authorities concerned not to make hindrance in proper functioning of the petitioner as Incharge Assistant, Siwan Central Cooperative Bank Limited Branch Goreyakothi, Police Station Goreyakothi, District-Siwan so that the petitioner may be discharge his duty.

(iii) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to reinstate the petitioner on the respective post of Incharge Assistant, Siwan Central Cooperative Bank Limited Branch Goreyakothi, Police Station Goreyakothi, District-Siwan with all consequential benefits.

(iv) For issuance of an



appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to allow the petitioner to continue as Incharge Assistant, Siwan Central Cooperative Bank Limited Branch Goreyakothi, Police Station Goreyakothi, District- Siwan as the petitioner's service has been reinstated on the basis of appeal before the Chairman, Board of Managing Committee, Siwan Central Cooperative Bank Limited, Siwan and on the basis of the appeal of the petitioner he has been reinstated on the respective post with hence, all the consequential petitioner dismissed/terminated charges."

2. At the outset, the learned counsel for the petitioner seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioner to avail such other alternative remedies as are otherwise available under the law. Liberty, so sought, is granted.



3. The writ petition stands dismissed as not pressed.

(Mohit Kumar Shah, J)

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