

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7311 of 2020

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Gopal Krishna Son of Sukhdev Prasad Singh, resident of Village Parasiya,
P.S. Jamhor, Kara, District Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Co-operation, Vikash Bhawan, New Secretariat, Patna.
2. Additional Chief Secretary, Department of Co-operation, Vikash Bhawan, New Secretariat, Patna.
3. The Registrar, Co-operative Societies, Bihar, Patna.
4. District Magistrate-cum- District Election Officer, Co-operative Societies, Aurangabad.
5. District Co-operative Officer, Aurangabad.
6. Block Development Officer-cum-Election Officer, Barun.
7. The Aurangabad Central Cooperative Bank Ltd. Throw its Managing Director, Aurangabad.
8. The Managing Director, Central Cooperative Bank Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
For the State	:	Mr. Subodh Kumar, AC to SC 26
For the Respondent/s	:	Mr. Shambhu Sharan Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

7 07-08-2023 Heard the parties.

The present writ petition has been filed for the issuance of a writ in the nature of certiorari to quash the order as contained in memo no. 1111 dated 26.11.2019 issued under signature of the District cooperative officer, Aurangabad whereby and whereunder the loan of the Primary Agriculture Credit Society, Dhangai (hereinafter referred to as "PACS") has been treated to be a personal loan of the petitioner and held to



be disqualified for participation in the ensuing PACS election, 2020 and also to quash the letter No. 10161 Dated 21.10.2019, after calling it from the respondents and further prays of issuance of a direction to the respondent authorities to allow the petitioner for the participation in the PACS election 2020 and/or for issuance of such other order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances stated hereunder.

Learned State Counsel has made preliminary objection that when the petitioner is challenging the order of the Registrar issued vide letter no. 10161 dated 21.10.2019 in that case he has to prefer appeal under section 41(6) of the Bihar Co-operative Societies Act, 1935.

A perusal of the same read as follows:-

“An appeal shall lie from an order of the Registrar under sub-section (1) & sub-section (2) to the State Government on application made by any member of the Managing Committee within (one) month from the date of communication of the order to be registered society concerned. The order of the State Government on appeal, and subject to the result of such appeal, if any, the order of the Registrar shall be final.”

This Court finds force in the submissions put forward by the learned State Counsel.



Learned Counsel for the petitioner submits that since he was granted interim protection on 11.02.2021 by the earlier bench of this Court, he is ready to file appeal but he may be granted interim protection, till his appeal is decided as his right to contest the election will be directly prejudiced, if the interim protection is not extended.

Considering the fact that he was granted interim protection on 11.02.2021, the same is extended subject to the petitioner preferring appeal under section 41(6) of the Bihar Co-operative Societies Act, 1935 within a period of two weeks from today which the appellate authority shall dispose of after hearing all the concerned parties expeditiously considering the fact that the term of the PACS ended in 2019 and no election took place for last four years.

The interim protection granted to the petitioner shall merge with the order passed by the appellate authority.

The writ petition stands disposed of with the aforesaid observations.

(Rajiv Roy, J)

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