

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8664 of 2019

=====

Matar Sahni Son of Late Kavilash Sahni Resident of Village- Madhubanighat,
Madhubani, Police Station- Madhubani, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Co-operative, Bihar, Patna.
2. The Principal Secretary, Department of Co-operative, Bihar, Patna.
3. The Registrar, Cooperative Societies, Bihar, Patna.
4. The Motihari District Central Cooperative Bank Ltd., Motihari, through its Managing Director.
5. The Managing Director, Motihari District Central Cooperative Bank Ltd., Motihari.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Aditya Narain Singh, Advocate Mr. Kundan Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Raj Ballabh Prasad Yadav, AAG 11
For the Bank	:	Mr. Bindyachal Rai, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 14-09-2023 Heard the parties.

2. The present petition has been preferred for the issuance of a writ in the nature of mandamus commanding and directing the respondent-authorities to regularize the services of the petitioner against the post of Driver-cum-Peon in the Motihari District Central Cooperative Bank, Ltd. Motihari (in short 'Bank') with effect from the date of his initial appointment and alternatively the petitioner prays for a direction to



respondent authorities to grant the equal pay for equal work as enshrined in Article 39 of the Constitution of India and/or for issuance of an appropriate order/direction, to which the petitioner may be found legally entitled to in the facts and circumstances stated hereinabove.

3. The prayer of the petitioner is/was that a letter was issued by the Managing Director vide no. 210 dated 10.08.2015 by which his status was confirmed as permanent (Annexure 3 to the petition). This the Managing Director had passed in the light of the resolution of the Board dated 05.12.2014 vide resolution no. 14.

4. A reply has been filed on behalf of the respondent nos. 4 and 5 bringing on record the said minutes of the proceeding dated 05.12.2014 in which resolution no. 14 is entirely different, unrelated to the petitioner and does not speak of any decision regarding the petitioner.

5. In that backdrop, learned Counsel for the petitioner submits that he limits his prayer on the point that he has served the Bank since 2001 though in temporary status and as such, atleast time has come to consider his case.

6. So far as the maintainability of the writ petition is concerned, as was objected by the respondents side, he has cited



a case of **Rabindra Nath Mishra vs. The State of Bihar and Ors.** reported in **2020(2) PLJR 644** which held as follows:-

“ Constitution of India -Articles 226 and 12- Bihar Cooperative Societies Act, 1935-Sections 66-B- Bihar Cooperative Societies Rules, 1959-Rule33- maintainability of writ petition against cooperative societies -dispute relating to service of employee of Bank- Central Cooperative Bank is a State within meaning of Article 12 as it is discharging the banking function regulated by statutes and is functioning under a license granted by RBI-Section 66-B and Rule 33 indicating nature of control of the State Government and Managing Director is an appointee of the State Government -in application would be maintainable.”

7. This Court is convinced that the writ is maintainable.

8. In view of the limited prayer that the petitioner is seeking that as he has served the institution for two decades, his case be considered the writ petition is disposed of with a direction to the Board of Directors through the Chairman, Motihari District Central Co-operative Bank Limited, Motihari to take up his case in the meeting and a decision be taken at an



earliest.

9. It is made clear that this Court has not expressed any opinion in the matter.

10. The writ petition stands disposed of.

(Rajiv Roy, J)

Neha/-

U			
---	--	--	--

