

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8849 of 2022

Ishwari Prasad, S/o Late Saral Sah, Resident of Village-Laghunaha, P.S.-Choutarwa, District-West Champaran at present Chairman Primary Agricultural Credit Cooperative Society Limited Lagunaha, Choutarwa PACS, Block-Bagaha-1, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Cooperative Department, Bihar, Patna.
2. The Registrar Cooperative Society, Bihar, Patna.
3. The District Magistrate, West Champaran at Bettiah.
4. The District Cooperative Officer, West Champaran at Bettiah.
5. The Sub-Divisional Officer, Bagaha, District-West Champaran.
6. The Block Cooperative Extension Officer, Bagaha-1, District-West Champaran.
7. Sunil Kumar Jaishwal @ Sunil Kumar, Ex-Chairman Primary Agricultural Credit Cooperative Society Limited Lagunaha, Choutarwa PACS, Block-Bagaha-1, District-West Champaran.
8. Vishal Kumar, son of Sunil Kumar @ Sunil Kumar Jaishwal, Manager Primary Agricultural Credit Cooperative Society Limited Lagunaha, Choutarwa PACS, Block-Bagaha-1, District-West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Naresh Chandra Verma
For the State	:	Mr. Narendra Kumar Singh, AC to GP-72
For Respondent No.8	:	Mr. Zainul Abedin, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 19-06-2023 Heard the parties.

The petitioner has approached this Court for directing the respondent nos.2 to 6 to take suitable legal action against respondent no.8 for committing illegality and further to remove him from the post of Manager.

A counter affidavit has been filed on behalf of the



respondent no.4 duly signed by the District Co-operative Officer, West Champaran, Bettiah and the learned State counsel has taken this Court to paragraph- 8 to show that an FIR has been lodged vide Chautrua P.S. Case No.439 of 2022 dated 19.12.2022 under Sections 406, 420, 409 and 166 of the Indian Penal Code against the respondent no.8.

He has further taken this Court to paragraph-18, which read as follows:

“18. That with regards to para no.(10) it is stated and submitted that the authority has taken action and order for surcharge of rupees 219602.37 has been given against ex-chairman Sunil Kumar found in irregularity of fund in audit for this surcharge case no.19/2022 is filed in the court of Joint Registrar, Cooperative Societies, Tirhut division, Muzaffarpur.

A Photo copy of audit for this surcharge case no.19/2022 is annexed herewith and marked as Annexure-B to this counter Affidavit.”



In that view of the matter, it is submitted that the respondent-state officials already taken action against the concerned respondent. The grievance of the petitioner has been redressed.

However, learned counsel for the petitioner submits that till date the concerned respondent has chosen not to hand over the charge.

The respondent no.8 suo motu has appeared in the Court and submitted that in view of the FIR, he could not take proper steps for handing over the charge.

It is high time that the respondent no.8 resort to legal remedies ensure handing over the charge to the petitioner, if still not done.

The petition accordingly stands disposed of with the aforesaid observation.

(Rajiv Roy, J)

Prakash Narayan /-

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