

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8933 of 2023

1. Arun Kumar Shrivastava @ Arun Kumar Srivastava Son of Late Raj Mohan Lal Srivastava, Resident of Village and Post- Sikandarpur, Police Station- Chainpur, District- Kaimur.
2. Vikash Kumar Son of Shiv Pujan Singh, Resident of Village- Bhujphor, P.S.- Adhaura, District- Kaimur(Bhabhua).

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Co-operative Department, Bihar, Patna.
2. The Registrar, Co-operative Societies, Bihar, Patna.
3. The Joint Registrar, Co-operative Societies, Patna Division, Patna.
4. The District Co-operative Officer, Kaimur, Bhabhua.
5. The Assistant Registrar, Co-operative Society, Kaimur, Bhabhua.
6. The Chairman, Sikandarpur, Primary Agriculture Credit Co-operative Societies, Post and Police Station- Chainpur, District- Kaimur.
7. The Chairman Chainpur, Primary Agriculture Credit Co-operative Societies, Post and Police Station- Chainpur, District- Kaimur, Bhabhua.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Kumar Choubey, Advocate
For the Respondent/s	:	Mr. Sushil Kumar, GP- 22
	:	Mr. Uday Prasad, AC to GP-22

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 19-12-2023 Heard Mr. Surendra Kumar Choubey, learned Counsel appearing on behalf of the petitioners and Mr. Sushil Kumar, learned GP- 22 along with Mr. Uday Prasad, learned AC to GP-22 appearing on behalf of the respondent/s.

2. The petitioners are aggrieved by the action of the Management Samiti of Sikandarpur PACS, which has resolved to terminate the petitioner no.1 from the post of Assistant Manager of Sikandarpur PACS on 25.03.2015 and the action of Management Samity of Chainpur PACS, which resolved to terminate the petitioner no.2 on 16.03.2019 from the post of

Assistant Manager of Chainpur PACS.

3. The case of the petitioners is that they were not given any opportunity to defend their case and the committee has unilaterally appointed Ratna Kumari as Assistant Manager of Chainpur PACS and Amit Kumar was appointed as Assistant Manager of Sikandarpur PACS.

4. This Court finds that order dated 25.03.2015 and 16.03.2019 terminating the petitioner nos.1 and 2 respectively is faulty, as having not followed the manner prescribed in the Act and Rules and no opportunity of hearing was provided to the petitioners before terminating petitioner nos.1 and 2. The matter is remitted back to the Managing Committee of Sikandarpur PACS and the Managing Committee of Chainpur PACS, which are vested with such power in terms of Section 66(2) of the Bihar Cooperative Societies Act, 1935, to be consider the case of the petitioners in accordance with law.

5. With the above observation/direction, the present writ petition stands disposed of.

(Purnendu Singh, J.)

Chn/-
Ashishsingh/-

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