

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11097 of 2023

Om Prakash Nirala Son of Ramavarat Nirala, resident of village - Rahim Bigha, P.O. Bara (Chakand), P.S. Chakand, District - Gaya, presently the Chairman of Primary Agriculture Credit Cooperative Societies, Bara, P.O. and P.S. Chakand, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Cooperative, Government of Bihar, Patna.
3. The Registrar, Cooperative Societies, Bihar, Patna.
4. Sri Vinay Kumar, Son of Sri Umesh Kumar Verma, Resident of village- Sri Ram Bigha, P.O. and P.S. Gurua, District - Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. S. B. K. Manglam, Advocate Mr. Awnish Kumar, Advocate
For the Respondent/s	:	Mr. Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 25-09-2023

Heard Mr. S.B.K. Mangalam, learned counsel appearing on behalf of the petitioner and Mr. Sanjay Kumar, learned counsel representing the State.

2. The petitioner by preferring the present writ application seeking a writ in the nature of Mandamus, directing the Respondent no. 3 for disposal of Election Dispute Case No. 75 of 2023 (Om Prakash Nirala Vs. Vinay Kumar) filed by the petitioner, challenging the election of respondent no. 4 as the Chairman of Magadh Central Cooperative Bank Limited for which election was held on 12.04.2023 and the result of the



election was declared on the same day.

3. The only contention of the petitioner is that the order having been passed by the respondent no. 2 dated 01.07.2023 declaring the respondent no. 4 disqualified to become a candidate for any post of Managing Committee or Board of Director and also that the respondent no. 4 can neither the voter in the election of the Central Cooperative Bank, the respondent no. 3 is obliged to dispose the election dispute at the earliest. He further submits that since the issue of disqualification has already been adjudicated after giving proper hearing to the respondent no. 4, thus no adjudication is required rather a consequential order is required to be passed by the respondent no. 3. He also informed this Court that the notice has also been issued to the respondent no. 4 but, till date he has not entered his appearance. He lastly submits that the persons, who has already been disqualified is still in the helm of the affairs, of discharging the duties of the Chairman of Magadh Central Cooperative Bank Ltd., contrary to all the canons of law.

4. On the other hand, learned counsel for the State submits that the notices have already been issued to all the stake holders. Thus, on the appearance of the parties, including the respondent no. 4, the case shall be disposed of in due course of



time.

5. Considering the submissions advanced on behalf of the petitioner, which is confined only to the disposal of the Election Dispute Case, the present writ petition stands disposed of with a direction to the respondent no. 3 (The Registrar, Cooperative Societies, Bihar, Patna) to take up the issue as earliest and after giving proper opportunity of hearing to the parties, dispose of the same preferably within a period of eight weeks from the date of receipt/production of a copy of this order.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.09.2023.
Transmission Date	NA

