

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4584 of 2024

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Janki Sharan Singh Son of Late Janardan Singh Resident of Village-Salempur, P.O. Dharupur, Police Station-Bikramganj, District-Rohtas (Sasaram).

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Co-operative, Govt. of Bihar, Patna.
2. The Registrar, Co-operative Societies, Department of Co-operative, Govt. of Bihar, Patna.
3. The Special Officer (Consumer) Co-Operative Societies, Department of Co-Operative, Govt. of Bihar, Patna.
4. The District Co-operative Officer, Sasaram.
5. The District Audit Officer, Co-Operative Societies, Department of Co-Operative, Rohtas (Sasaram).
6. The Sub-Divisional Audit Officer, Co-Operative Societies, Department of Co-Operative, Rohtas (Sasaram).
7. The Board of Directors through its Chairman, the Sasaram Bhabhua Central Co-Operative Bank Ltd. Sasaram (Rohtas).
8. The Managing Director, the Sasaram Bhabhua Central Co-Operative Bank Ltd. Sasaram (Rohtas).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Aditya Narayan Singh, Advocate Mr. Kundan Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Standing Counsel (18)

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 03-09-2024 Heard Mr. Aditya Narayan Singh, learned counsel for the petitioner, Mr. Bindhyachal Rai, learned counsel representing the respondent nos. 7 and 8 as also learned State counsel.

2. The present writ petition has been preferred for the grant of following relief/s:-



“That this is an application for issuance of a writ in the nature of certiorari for quashing of the notice dated 4.12.2023 issued under the signature of Special Officer (Consumer), Co- Operative Societies, Department of Co-Operative, Govt. of Bihar, Patna in Award Case No.57/2023 under Memo No. 9040. By the impugned notice, this petitioner has been shown at Sl.No.2 against whom the Award Case Under Section 48 of Bihar Co-Operative Societies Act said to be initiated. Alongwith the notice dated 4.12.2023 a copy of the Award Case No.57/2023 was also attached.”

3. Learned counsel for the petitioner submits that he was posted as an Assistant at Bikramganj Branch from 20.02.2013 to 31.03.2014 and was also served as In-charge, Branch Manager of Nasriganj Branch of Sasaram-Bhabua Central Cooperative Bank Ltd. The audit of 2011-2012 and 2012-2013 took place and the documents on record show that though he has been charged relating to Bikramganj defalcation, his name is missing in so far as Nasriganj audit is concerned in



the letter no. 4021 dated 22.06.2020 submitted by the Registrar Cooperative Society, Bihar, Patna (Annexure-3 to the writ petition).

4. It is his submission that without looking into it, in the **Award Case No. 57 of 2023 (The Sasaram Bhabua Central Cooperative Bank Ltd. through its Managing Director vs Janki Sharan Singh and Ors.)**, notice has been issued to him (Annexure P/1 to the writ petition) which has been challenged.

5. Mr. Bindhyachal Rai representing the Bank submits that it is just a notice and if he has any preliminary objection, the same could have been filed before the concerned Society which issued the notice, instead of rushing to the Court.

6. This Court finds force in the submission of learned counsel appearing on behalf of the Bank. A notice has come, the case of the petitioner is that he had no role to play in the Nasriganj nor the report submitted implicates him, in that background, he should not been issued notice regarding Nasriganj case.

7. In the said notice, he has merely been asked to submit his reply, it does not prohibit him from raising his preliminary objection that he has no role to play and as such,



notice has been illegally issued to him.

8. In that background, learned counsel for the petitioner submits that he will be preferring reply and it is expected that his preliminary objection will be taken into consideration and an order be passed.

9. Granting said liberty, the writ petition stands disposed of.

(Rajiv Roy, J)

Adnan/-

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