

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6384 of 2024

Om Prakash Singh S/o- Late Lal Bachan Singh R/o Village- Katavar, P.S.-
Asav, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Govt. of Bihar, Patna.
2. The Secretary, Department of Cooperative, Government of Bihar, Patna.
3. The District Magistrate, Siwan, Bihar.
4. The District Cooperative Officer, Siwan, District- Siwan.
5. The Manager, Siwan Central Cooperative Bank Limited Branch, Siwan.
6. The Block Cooperative Extension Officer, Siwan.
7. Mritunjay Singh, S/o Uday Narayan Singh R/o Village- Katwar, P.S.- Asav, District- Siwan.
8. Aditya Singh, S/o Mritunjay Singh R/o Village- Katwar, P.S.- Asav, District- Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anjani Parashar, Advocate
For the Respondent/s	:	Mr. Government Advocate 11
	:	Mr. Prabhat Kumar, AC t GA-11
For the Resp. No.7	:	Mr. Bindhyachal Singh, Senior Advocate
	:	Mr. Shashi Shekhar Sinha, Advocate
	:	Mr. Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 09-09-2024 Heard Mr. Anjani Parashar, learned counsel for the

petitioner, Mr. Binchyachal Singh, learned Senior Counsel for

the respondent no.7 and Mr. GA-11, representing the State.

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

*That this application is being filed for issuance
of an appropriate writ/order/direction directing
and commanding the official respondents to*



initiate a disciplinary proceeding against the President of Arkpur PACS under block Andar and the Block Cooperative Extension Officer, Siwan who have appointed person namely Aditya Singh on the post of Assistant Manager, Akarpur PACS on 20.02.2023 in complete violation of the rules and regulations as laid down and also without lawful removal of the Petitioner from the said post.

(A) That the petitioner further prays for issuance of an appropriate writ/order/direction upon the official respondent to restrain the private respondents from misusing the cheques issued under his signature with respondent no. 7 in official capacity.

(B) That the petitioner also prays for issuance of an appropriate writ/order/direction upon the official respondents from restraining the private respondents from using any fund of PACS, Arkpur till disposal of this writ petition.

(C) That the petitioner also prays for issuance of an appropriate writ/order/direction for which they are found entitled to.

3. Considering the submissions put forward by learned counsel for the petitioner that he never submitted his resignation rather the respondent no.7 only to accommodate his minor son in his place impersonated the signature and prepare his resignation letter which led to his removal.



4. Considering the specific averment of the petitioner, on 15.07.2024 this Court, passed the following order incorporated in paragraph nos.6 to 9.

6. In that background, it is ordered as follows:-

“(i) the respondent No. 7 will hand over the entire original file relating to the matter to the respondent No. 4, the District Cooperative Officer, Siwan in next two weeks;

(ii) the petitioner will be submitting his representation before the respondent No. 4 alongwith a bank draft addressed to the said office of Rs. 5,000/- and five specimen signatures which should be part of the representation within two weeks;

(iii) the documents having signature on the resignation letter of the petitioner as also his specimen signature shall be sent to the Forensic Lab, Patna for examination within a weeks of receipt of files/signature of the petitioner;

(iv) the lab is duty bound to submit its report to the respondent No. 4 in next two weeks of receipt of the documents.”

7. If the specimen signatures of the petitioner matches with the resignation letter, appropriate legal action has to be taken against him for making wrong statement on affidavit before Patna High Court. This has to be done by the District Cooperative Officer, Siwan (respondent No.4) and the amount deposited by the petitioner



shall be forfeited in that case.

8. In case, the Forensic Lab, Patna submits a report that the specimen signature of the petitioner does not match with the resignation letter, legal action (including criminal case) shall be taken against the respondent No. 7 (Mritunjay Singh).

9. Let the entire exercise be completed in six weeks and a counter-affidavit on behalf of the District Magistrate, Siwan is filed thereafter.”

5. Today, there is appearance of the respondent no.7 through learned Senior Counsel Mr. Bindhyachal Singh. The State has also filed counter affidavit on behalf of the District Magistrate, Siwan (respondent no.3). Pursuant to the order, the specimen signature is sent to Police Laboratory, C.I.D. Bihar and his opinion has come vide case reference letter no.1357/Siwan dated 07.08.2024 and the same has been communicated to the District Cooperative Officer, Siwan vide letter no.239 dated 19.08.2024 (Annexure R4/H Series).

6. As per it, the C.I.D. has come to the conclusion that all the points of difference shows that the specimen signature marked A1 to A10 have been written by separate person vis a vis the disputed signature marked X1. In sum and substance, it has been averred that two different persons have put in



signature.

7. The contention of the petitioner has thus been accepted by the Police Lab.

8. Learned State counsel submits that subsequent to that the F.I.R. has been lodged against the respondent no.7 vide Asawan P.S. Case No. 5135002240091 dated 27.08.2024 (Annexure-4/K).

9. Mr. Bindhyachal Singh, learned Senior Counsel representing the respondent no.7 submits that whether the respondent no.7 did the mischief/criminal act or anyone else, it is a matter of investigation and F.I.R. has been lodged against him. He submits that atleast he be given chance to answer to the charges made by the petitioner.

10. A prayer was made, the respondents were directed to act on it, the petitioner was also directed to provide his specimen signatures to check whether his contention is genuine or not, he readily accepted. Accordingly, the matter was sent to the Police Laboratory, C.I.D. Patna and the report has come, the stand of the respondent no.7 is also to be accepted inasmuch as he needs to clarify whether the resignation letter which contained the signature of different persons, it was he who is responsible for it or not.



11. In that background, with the consent of the parties, the matter is referred to the Secretary, Department of Cooperative, Government of Bihar, Patna (respondent no.2) to notice/hear both the petitioner as also the respondent no.7 beside the district respondents including the District Cooperative Officer, Siwan (respondent no.4) and come to a conclusion. Needless to say the outcome of the said order will decide the fate of the F.I.R. against the respondent no.7.

12. The writ petition stands disposed of with an observation that the petitioner will be filing an appropriate petition along with all the documents including the report provided by the Police Laboratory, C.I.D. Bihar, Patna in next four weeks and the respondent no.7 thereafter will be duty bound to put all the necessary parties on notice, fix a date after hearing for passing an appropriate order.

13. It is expected that the entire exercise shall be completed at an earliest.

(Rajiv Roy, J)

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