

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7704 of 2023

Hira Prasad Singh Son of Yogendra Narayan Singh, Resident of Mohalla-Karathbari Madhubani, Police Station-Purnia, District-Purnia (the then Chairman, Purnia District Central Co-Operative Bank Ltd. Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal 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 District Magistrate, Purnea.
4. The District Audit Officer, Co-Operative societies, Purnia.
5. The District Co-Operative Officer, Purnia.
6. The Managing Director, The Purnea District Central Co-Operative Bank Ltd. Purnea.
7. The Chairman, The Purnea District Central Co-Operative Bank Ltd. Purnia.
8. Sri Ali Reza Son of Md.Sharif Hussain, Newly elected Chairman of the Purnea District Central co-Operative Bank Ltd. Purnia. through the Managing Director District Central Co-Operative Bank Ltd. Purnia).
9. Sri Naushad Alam (Ex-Director) Son of Helauddin, Resident of village-Rupail, P.O.Balwa Dyodhari, Block-Palasi, District-Araria. Through the Managing Director District Central Co-Operative Bank Ltd. Purnia).
10. Smt.Punam Devi (Ex-Director), w/o Umesh Chandra Sah, Resident of village and P.O. Goriyar Block Rupauli, District-Purnea. Through the Managing Director District Central Co-Operative Bank Ltd. Purnia.
11. Sri Arun Kumar Yadav (Ex-Director), S/o Laxmi Yadav, Resident of village and P.O. Nipaniyan, Block Banmankhi, District-Purnia. Through the Managing Director District Central Co-Operative Bank Ltd. Purnia.
12. Sri Islamuddin (Ex-Director) Son of Late Murad Baks, Resident of village-Muradpur Sikti Hat, P.O. Sontha, Police Station-Bahadurganj, District-Kishanganj. Through the Managing Director District Central Co-Operative Bank Ltd. Purnia.
13. Sri Kalanand Singh (Ex-Director) Son of Sant Lal Singh, Resident of-DCCB Police Station Purnea District-Purnea. Through the Managing Director District Central Co-Operative Bank Ltd. Purnia.
14. Sri Sanjeev Shekhar (Ex-Director), Son of late Sheetal Prasad Gupta, Resident of Farbisganj, Police Station Farbisganj, District Araria. Through the Managing Director District Central Co-Operative Bank Ltd. Purnia.
15. Sri Vinod Kumar Yadav (Ex-Director) Son of Aakeshwar Yadav, Resident of village-Suhiyahat, P.O. Matiyari, Police Station- Terhagachh, District-Kishanganj. Through the Managing Director District Central Co-Operative Bank Ltd. Purnia.



16. Sri Nitya Nand Das, the erstwhile Managing Director, Purnea District Central Co-Operative Bank Ltd. Purnia. Through the Managing Director District Central Co-Operative Bank Ltd. Purnia.
17. Sri Satyendra Kumar Prasad, the erstwhile Managing Director, Purnia District Central co-Operative Bank Ltd. Purnia. Through the Managing Director District Central Co-Operative Bank Ltd. Purnia.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Aditya Narain Singh, Advocate Mr. Kundan Kumar Sinha, ADvocate
For the State	:	Mr. Mahendra Pd. Verma, A.C. to S.C.-20
For the Bank	:	Mr. Rakesh Kumar Jha, Advocate
For the Resp. No. 8	:	Mr. Chakrapani, Advocate Mr. Madhuresh Singh, Advocate Mr. Dipak Kumar, Advocate Mr. Amritanshu Udvhava, Advocate
For the Resp. Nos. 9 to 15	:	Mr. Baidyanath Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

7 01-07-2024 Heard Mr. Aditya Narain Singh, learned Counsel for the petitioner, Mr. Mahendra Prasad Verma, learned A.C. to S.C.-20, Mr. Chakrapani, learned Counsel for the respondent no. 8 and Mr. Baidyanath Thakur, learned Counsel for the respondent nos. 9 to 15.

2. The present petition has been preferred for the:

issuance of a writ in the nature of certiorari or any other appropriate writs for quashing of the order dated 22.7.2022 issued vide Memo No.164/RL dated 1.8.2022 passed in Surcharge Case No.1/2018 by the Registrar Co-Operative Societies, Bihar, Patna (Respondent No.2) by which the Surcharge proceeding i.e. surcharge Case No.1/2018 against the Respondent No.8 to 17 dropped on the ground of proceeding



being time barred Under Clause (a) (b) (c) and (d) of Section 40 of Bihar co-Operative Societies Act, 1935.

The said surcharge proceeding was initiated on the basis of the recommendation dated 29.12.2017 by the district Audit Officer Co-Operative Societies, Purnia.

3. Mr. Singh submits that a bare perusal of the writ petition would show that how the irregularities/ illegalities have been committed but the respondents chose to look the other way and in that background, he knocked the doors of the Patna High Court by filing writ petition.

4. He however submits that ultimately, the matter has to be enquired into by professionals and thus he intends to approach the State Vigilance Bureau with all the necessary documents as also the affidavit so that this case is taken to its logical conclusion.

5. Learned Counsel appearing on behalf of the respondents submit that ultimately good sense has prevailed upon the petitioner as for these kind of allegation on irregularities/illegalities, it would have better that he knocks the door of the State Vigilance Bureau, Patna.

6. Considering the aforesaid facts as also the



submissions, the writ petition stands disposed of granting liberty to the petitioner to approach the appropriate authority along with all the necessary documents in accordance with law.

7. In case, the petitioner approaches the concerned Bureau, it is expected that the same will be taken to its logical conclusion at an earliest.

(Rajiv Roy, J)

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