

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11295 of 2024

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Dipu Kumar Rai Son of Ram Nath Rai Residence of Village and Post- Dehari,
Police Station- Rajpur, District - Buxar (Bihar)

... .. Petitioner/s

Versus

1. Bihar Election Authority, Patna.
2. The Principal Secretary, Department of Co-operative, Govt. of Bihar, Patna.
3. The Registrar, Co-operative Societies, Bihar, Patna.
4. The District Magistrate cum District Election Officer (Co-operative), Buxar.
5. The Assistant Registrar Co-operative Societies (Circle) Buxar, District - Buxar.
6. The District Co-operative Officer, Buxar.
7. The Block Development Officer -cum- Returning Officer-2019, Chausa, District - Buxar.
8. The Block Co-operative Officer, Chausa, District- Buxar.
9. The Rinku Rai Adhyaksh Managing Committee of Dehari, Primary Agriculture Credit Co-operative Society Ltd., P.O.-Dehari, P.S. Rajpur, Block - Chausa, District - Buxar.
10. The Managing Committee Dehari, Primary Agriculture Credit Co-operative Society Ltd. Village- Dehari, P.O. Dehari, Police Station -Rajpur, Block- Chausa, District-Buxar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Surendra Kumar Singh
For the Respondent/s	:	Mr.Manoj Kumar, AC to GP-4
For Election Authority	:	Mr. M.K. Thakur, Advocate
For Resp. No. 9 & 10	:	Mr. Rakesh Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 30-09-2024 Heard the parties.

2. The petitioner has prayed for the following reliefs:

*(i) for issuance of writ in the nature
of certiorari & mandamus of
direction to respondent no. 4 & 6*



for PACCS Election 2019 cancel on the ground of false certified voters in two different dates as total voters number 1 to 665 by Rinku Rai Adhyaksh Dehari PACCS & District Co-operative officer Buxar on 08.07.2019 & 21.10.2019 Which was/is absolutely wrong & false according to law. As give certify to wrong statement submit in para no. IInd that the last published votes list since 2014 & any real voters name has not left from 30.06.2019 & 16.10.2019;

(ii) again further Dehari PACCS" election 2019 has held by wrong & false prepared left real 1000 (one thousands) above voters name from voter list-2019. Therefore petitioner has filed membership applications of 172 persons according to Rule



-7 (1) of the Bihar Co-operative Societies Rules 1959 but Respondents has cancelled /Rejected all 172 applications in different dates 15.02.2024, 16.02.2024 & 17.02.2024 without explaining reasons which is violation of Rule -7 (I) (b) of the Bihar co- operative societies Rules-1959 alongwith violation of Article 14 & 19 of the Constitution of India. As petitioner has objection on 21.02.2024 before Respondent no. 4 & 6 against wrongly / false certified to voters number 665 by Respondent no. 6, 9 & 10 on 08.07.2019 & 21.10.2019. which is pending as yet;

(iii) and further for issuance of any other appropriate writ/writs, order/ orders, direction / directions for which the writ petitioner would be



*found entitled under the facts and
circumstances of the case.*

3. The petitioner was the candidate in the Dehri, Primary Agriculture Credit Co-operative Society Ltd. He contested the election unsuccessfully and thereafter has approached this Court claiming that 1000 (one thousand) voters were left out arbitrarily.

4. Learned counsel appearing on behalf of the respondents have made preliminary objection submitting that though the petitioner claims that he is appearing in the representative capacity for the left out voters, there is no certificate/document showing a single affidavit allowing him to approach the Court. He actually participated in the election and having failed, has now come knocking the doors of the Court.

5. Learned counsel for the respondents further submits that it is not a case of the petitioner that before filing his nomination, he made any protest on the voter list.

6. On repeated questions to the petitioner on the points whether he has been authorized by any left out member to approach the Court and/or whether he had challenged the voter list prior to the election regarding exclusion of the names and further whether he has challenged the election result within



ninety days under section 10, 11 (b) and 12 of the Bihar State Election Authority Act, 2008, the answer is/are in negative.

7. This case can be clubbed in the category of false and frivolous petition. It is accordingly, dismissed with a cost of Rs.5000/- to be deposited with the Patna High Court Legal Services Committee in next four weeks. Failure to do so, appropriate steps should be taken for realisation of amount in accordance with law.

(Rajiv Roy, J)

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