

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.17620 of 2024**

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Pankaj Kumar S/o Satyendra Yadav R/o Village, Post and PS- Salaiya,  
District- Aurangabad.

... .. Petitioner/s

Versus

1. The Bihar State Election Authority, through the Chief Election Officer, Bihar, Patna.
2. The Secretary, Bihar State Election Authority, Bihar, Patna.
3. The State of Bihar, through the Secretary, Department of Cooperative Govt. of Bihar.
4. District Magistrate cum District Election Officer (Co operative), Aurangabad.
5. District Co Operative Officer, Aurangabad.
6. The Block Co Operative Officer cum Election Officer, Block- Madanpur, District- Aurangabad.
7. Salaiya Primary Agriculture Society, Sailaiya, Block- Madanpur, District- Aurangabad through its Chairman.

... .. Respondent/s

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**Appearance :**

|                              |   |                                                                                 |
|------------------------------|---|---------------------------------------------------------------------------------|
| For the Petitioner/s         | : | Mr.Bindhyachal Rai, Adv.<br>Mr. Chandan Kumar, Adv.<br>Mr. Shubham Sourav, Adv. |
| For the Respondent/s         | : | Mr. Suman Kumar Jha, AC to AAG-3                                                |
| For State Election Authority |   | Mr. Mukesh Thakur, Adv.                                                         |
| For Respondent No. 7         |   | Mr. Rajeev Singh, Adv.                                                          |

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR  
PANDEY**

ORAL ORDER

2      22-11-2024                      Heard the parties.

2. Learned counsel for the petitioner has submitted that his application for membership was allowed in Appeal by the Assistant Registrar, Co-operative Societies, Aurangabad vide his order dated 24-07-2024. Accordingly, on 17-08-2024, the petitioner deposited the membership fees as well as the share



money. Learned counsel has submitted that as per Section 27 of the Bihar Co-operative Societies Act, 1935, as soon as he deposited the membership/share amount, he becomes a member. On 17-08-2024, he became the member and his name was included in the draft voters' list of 2024 but thereafter, the Managing Committee passed a resolution dispelling the petitioner from the membership without giving opportunity to the petitioner of being heard. Thereafter, the petitioner made representation before the Returning Officer-cum-Block Development Officer who allowed his representation and thereafter, his name was included in the final voters' list. Thereafter, the petitioner's nomination was accepted by the Returning Officer. It is further submitted that after acceptance of nomination paper, the petitioner received a letter issued by the State Election Authority and without giving opportunity of being heard to the petitioner and ignoring the order of the Returning Officer-cum-Block Development Officer, the Secretary, State Election Authority treated the status of the petitioner as dispelled member.

3. Against that, the petitioner has filed representation before the Chief Election Officer, State Election Authority which is still pending.



4. Mr. Rajeev Kumar Singh, learned counsel appearing for the Chairman, PACS (respondent No. 7) has submitted that the reason for dispelling the petitioner from membership is valid in the eye of law as he has applied for membership in two PACS. The petitioner has also applied for another Panchayat i.e. Mahnama PACS, Madanpur Block, Aurangabad forging his Adhar Card to which, the learned counsel for the petitioner replies that the State Election Authority may also give opportunity of hearing to the respondent No. 7.

5. The Chief Election Officer, Bihar State Election Authority is directed to dispose of the representation of the petitioner after giving opportunity of being heard to the petitioner and the respondent no. 7 as expeditiously as possible.

6. The present writ petition is disposed of with the aforesaid directions/observations.

**(Nawneet Kumar Pandey, J)**

Nirmal/AKV

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