

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11535 of 2025

Manmati Devi W/o Madan Sah, Village-Bairiya, P.O-Bairiya, P.S-Kesaria,
District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Co-operative Department, Govt. of Bihar, New Secretariat, Patna.
2. Registrar, Co-operative Societies, Bihar, Patna.
3. District Co-operative Officer, East Champaran, Motihari
4. Bihar State Election Authority, 32, Hardings Road, Patna
5. Bairiya Primary Agricultural Credit Co-operative societies, Bairiya, P.S-Kesaria, East Champaran, through its manager cum secretary of Bairiya Pacs.
6. Md. Jahangir S/o Md Julfikar, Vill and P.O- Bairiya, P.S - Kesaria, East Champaran, elected member of managing committee of Bairiya Pacs cum Manager of the same Pacs.
7. Nita Devi W/o Sri Narayan Yadav, Vill and P.O - Bairiya, P.S. -Kesaria, Ex chairman of the Bairiya Pacs.
8. Sri Narayan Yadav S /o Late Juthan Rai Vill and P.O - Bairiya, P.S. -Kesaria, dist-East Champaran, the dean chairman of the Bairiya Pacs between 2007 to 2014
9. Ramjit Rai S/o Devaki Rai Vill and P.O - Bairiya, P.S. -Kesaria, dist-East Champaran, elected chairman of Bariya Pacs.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Lalan Sharma, Advocate Mr. Arvind Kumar, Advocate
For the Respondent/s	:	Mr. Government Pleader-06

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 24-07-2025 Heard learned counsel for the petitioner and learned counsel appearing for State Election Authority and learned counsel appearing for the State.

2. The present writ application has been filed for



quashing the order passed by the District Cooperative Officer, East Champaran, Motihari issued under Memo No.920 dated 01.04.2025 (Annexure-4) whereby and whereunder the District Co-operative Officer has not only dissolved the Managing Committee of the Bairiya PACS in view of the provision contained in Section 41(5) of the Bihar Co-operative Society Act, 1935 but also debarred the petitioner for a period of five years for contesting the election of the Managing Committee of the Cooperative Society. It is the later part by which the petitioner has been debarred for a period of five years from contesting the election of the Managing Committee, by which the petitioner is aggrieved and hence prays that an appropriate direction be given to the State Election Authority to hold the election of the PACS expeditiously as well as allow him to contest the election.

3. Learned counsel for the petitioner places reliance on a judgment of this Court dated 13.09.2017 passed in the case of ***Daroga Sahni & Ors. vs. The State of Bihar & Ors.*** passed in CWJC No.16746 of 2015 in which similar issue had come up for consideration and this Court had directed the State Election Authority to hold election of the office bearers of the Managing Committee of the Society in question expeditiously and had



further held that the petitioners would be entitled to contest the election, if otherwise not unsuited. Learned counsel for the petitioner, therefore, submits that the present writ application may be disposed of in terms of the observation and finding given in this judgment.

4. Learned counsel appearing for State Election Authority agrees to the proposition of law which has been answered by this Court vide judgment dated 13.09.2017 passed in CWJC No.16746 of 2015.

5. Learned counsel appearing for the respondents-State also is of the same stand as that of State Election Authority on the proposition of law discussed above.

6. For the reasons as given above, the present writ application is allowed and the part of the order contained in Memo No.920 dated 01.04.2025 (Annexure-4) passed by the District Co-operative Officer, East Champaran, Motihari to the extent the petitioner has been debarred from contesting the election for a period of five years is set aside. The State Election Authority is directed to hold election of the office bearers of the Managing Committee of the society in question expeditiously and the petitioner will be entitled to contest the election, if otherwise not unsuited.



7. The writ application stands allowed in the
aforementioned terms.

(Alok Kumar Sinha, J)

Prakash Narayan

U			
---	--	--	--

