

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19732 of 2024

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Harendra Kumar Son of Sahdeo Yadav Resident of Village- Mahangupur,
Police Station- Bishunganj (Makhdumpur) District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Cooperative Department, Vikash Bhawan,
New Secretariat, Patna.
3. The Registrar, Co-operative Societies, Bihar, Patna.
4. The District Co-operative Officer, Jehanabad.
5. The Block Cooperative Extension Officer, Makhdumpur, Jahdanbad.
6. The Bihar State Election Authority, through its Secretary, 32 Harding Road,
Patna.
7. The Chief Election Officer, Bihar State Election Authority, 32 Harding
Road, Patna.
8. The Secretary, Bihar State Election Authority, 32 Harding Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
For the State	:	Mr. Government Advocate (5)
For the Election Authority:	:	Mr. Mukesh Kumar Thakur, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-01-2025 Heard Mr. Sanjay Kumar, learned counsel for the

petitioner, Mr. Mukesh Kumar Thakur, learned counsel for the

Election Authority and learned GA-5 appearing on behalf of the

State.

2. The present writ petition has been filed for the

following relief/s;

I. It issue a writ in the nature of Mandamus

directing and commanding the District Cooperative

Officer, Jehanabad to refer the matter for conducting



election of three vacant post of the managing committee of Dharaut Primary Agriculture Credit Society, (hereinafter referred to as “PACS”) to the Bihar State Election Authority (hereinafter referred to as “Election Authority”).

II. For issuance of a direction to the Bihar State Election Authority to conduct the election for three vacant post in the managing committee of the Dharaut PACS.

III. To make the Dharaut PACS immune from rigors of Section 41(5) of the Bihar Cooperative Society Act, 1935.

IV. For issuance of a direction/orders for which the petitioner may be entitled to in the facts and circumstance of the matter as stated hereinafter.

3. Learned counsel for the petitioner submits that out of 11 posts only 8 posts were filled through general election but no nomination for three post was filed from the category of EBC and BC and after the result of the General Election, 2024 the managing committee of the PACS of the petitioner contains only 8 members and 1 chairman and as per the guidelines of the Cooperative Department, the first meeting of the Managing Committee was to be held for participation and consultation of the Managing Committee.

4. Learned counsel for the petitioner further submits that the general notice was published by the Chairman on 05.12.2024



informing all the elected members to participate in the first meeting which was scheduled to be fixed on 07.12.2024. On 07.12.2024, only three members and the chairman have participated and five members were absent from the meeting.

5. Learned counsel for the petitioner has filed a representation before the respondent no.4 (The District Cooperative Officer, Jehanabad) for conducting the election of the vacant three posts of the PACS in question on 12.12.2024 which is still pending for consideration.

6. In view of the aforesaid, the respondent no.4 (The District Cooperative Officer, Jehanabad) is directed to take a decision on the representation of the petitioner within a period of six weeks.

7. With the aforesaid direction, the writ petition stands disposed of.

(Rajesh Kumar Verma, J)

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