

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3541 of 2025

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Pankaj Kumar, male, aged about 34 years, Son of Sri Kumar Satyendra Prasad Sinha, resident of House No. K- 119, P.C.Colony, Hanuman Nagar, P.O. - Lohiya Nagar, P.S. Patrakarnagar, Patna- 800020.

... .. Petitioner

Versus

1. The State of Bihar through the District Magistrate, Purnea.
2. Bihar State Milk Cooperative Federation Limited (registered under Bihar and Orissa Cooperative Society Act) through its Managing Director, Bihar, Bihar Veterinary College, Patna - 800001.
3. The Secretary, Bihar State Milk Cooperative Federation Limited, Bihar Veterinary College, Patna - 800001.
4. The General Manager, Bihar State Milk Cooperative Federation Limited, Bihar Veterinary College, Patna - 800001.
5. The Manager Engineer, Bihar State Milk Cooperative Federation Limited, Bihar Veterinary College, Patna - 800001.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Ajay Prasad, Advocate
For Respondent nos2 &3	:	Mr. Prince Kumar Mishra, Advocate
		Ms. Priyanka Kumari, Advocate
For the State	:	Mr. Standing Counsel-01

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

7 10-02-2026 In the present writ petition, the petitioner has prayed
for the following relief(s):-

“(i) For quashing the notice inviting tender bearing NIT No.:Comfed:Engg:664:Voll-II:929 dated 28.01.2025 issued through the General Manager, Bihar State Milk Cooperative Federation Limited (Respondent No.4) by which same work order has been issued by the respondent authorities whereas fixed a date



‘24.02.2025 on Monday at about 3.30’ for filing of tender document.

(ii) For issuance of a direction that the balance amount must be paid to the petitioner of Rs.10,69,016/- alongwith retention 5% amount for which bill has been submitted.

(iii) For issuance of a direction to the respondent no.2 to allow the petitioner to continue the rest 48% work till completion of the work as per Agreement which is pending due to non-payment of the outstanding bill amount of the petitioner.

(iv) For any other order or orders to which the petitioner may be entitled to.”

2. Admittedly, the present writ application has been filed against a co-operative society registered under the Bihar Co-operative Societies Act, 1935.

3. Learned counsel for the respondents submits that the respondent co-operative society does not fall within the definition of “State” under Article 12 of the Constitution of India and, therefore, cannot be treated as an instrumentality of the State. On this ground, it is submitted that the present writ application is not maintainable.

4. Learned counsel for the respondents has placed a reliance upon the decision of the Full Bench of this Court in ***Vidya Bhushan Singh Abhai vs. The The Bihar State Co-***



operative Milk Producer's Federation Ltd., passed in ***CWJC No.3110 of 2004, dated 08.09.2009,*** reported in ***2010 (4) PLJR 26 (FB),*** wherein the following observation has been made:-

“Heard Mr. Vidya Sagar, Advocate for the petitioner and Mr. P.K. Shahi, Sr. Advocate for the respondents.

This petition has been filed against a Co-operative Society. Even the learned Single Judge under the order of reference has raised question regarding the legality of a decision of a single Judge of this Court, we are not feel inclined to deal with that question. Now, law is well settled that writ is not maintainable against a Co-Operative Society unless such Co-Operative Society is considered as an “authority” within the meaning of Article 226 or within the meaning of Article 12 of the Constitution.

In such view of the matter, the writ itself is not maintainable. Since we hold that writ petition is not maintainable, it is obvious that it would be open to the petitioner to pursue any remedy available under law. It goes without saying that since the matter had remained pending in the High Court, if there is any question of limitation, it would be open to the petitioner to file an application under Section 5 of the Limitation Act.”

5. Learned counsel for the respondents has further



relied upon the decision of the Special Bench of this Court in *The Organizer, Dehri C.D. & C.M. Union Limited vs. The State of Bihar & Ors.*, reported in *2014 (1) PLJR 695*, wherein a similar view has been taken.

6. In view of the decisions rendered by the Hon'ble Full Bench as well as the Special Bench of this Court, we find that the present writ application is not maintainable.

7. Accordingly, the present writ application stands disposed of, with liberty to the petitioner, if so advised, to avail an appropriate remedy available under the Law.

8. Pending application(s), if any, shall stand disposed of.

(Sudhir Singh, J.)

(Rajesh Kumar Verma, J.)

*Gaurav Kumar,
Ibrar/-*

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