

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12476 of 2017

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Brajesh Kumar Singh S/o Bipin Bihar Singh, R/o Village- Hurka, P.O.-Hurka,
P.S.-Tilauthu, District-Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The District Magistrate, Rohtas.
3. The District Certificate Officer, Rohtas, Sasaram.
4. The Sasaram Bhabhua Central Co-operative Bank, Sasaram, Rohtas through its Managing Director.
5. The Managing Director, Sasaram Bhabhua Central Co-operative Bank, Sasaram, Rohtas-cum-Certificate Officer.
6. The Branch Manager, Sasaram Bhabhua Central Co-Operative, Tilauthu, Branch, Tilauthu, Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jay Prakash Singh, Advocate.
For the Respondent/s : Mr. Mr. Mahendra Prasad Verma, AC to SC 20.
For the Bank : Mr. Bindhyachal Rai, Advocate.

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

10 02-04-2026 Learned counsel appearing on behalf of the petitioner submits that the matter is squarely covered by the Judgment of this Hon'ble Court passed in CWJC No. 474 of 2024 dated 11.12.2024.

2. Learned counsel appearing on behalf of the Respondent-Bank fairly submits that the above reported judgment is applicable to the facts of the present case.

3. This Court in the above mentioned CWJC relying



on the judgment in the case of ***Nawal Kishore Pd. Singh vs. State of Bihar*** reported in **2006 (3) BLJ 676** and in the case of ***Kanhaiya Lal V. State of Bihar*** reported in **2022 (2) PLJR 553** has held as under: -

“5. This Court in the case of ***Nawal Kishore Pd. Singh vs State of Bihar*** reported in **2006 (3) BLJ 676** under similar circumstances has held as under:-

“However, in view of the fact that the said purported agreement, which has been executed, has been executed by the petitioners in their official capacity, there cannot be any dispute that they cannot be proceeded in their individual capacity. Loan was granted by the Central Cooperative bank to the Transport Cooperative Society. Both are juristic entities. It was not a loan personally granted to the petitioners nor was any such loan personally guaranteed by the petitioners nor the petitioners stood surety for the said loan.

4. In that view of the matter, the entire certificate proceedings as against the petitioners in their individual capacity is wholly without jurisdiction and is liable to be quashed. The order passed under Section 10 of the Act rejecting the petitioners’ petition under Section 9 of the Act denying liability is erroneous on the face of it. It has no legal sanctity. The same is liable to be quashed and is quashed in so far as it relates to the petitioners in their personal capacity is concerned. It will be open to the Central Cooperative Bank to



substitute the names by names of the present office bearers who again, it is made clear, would not be liable in their personal capacity. It is elementary that a Corporate entity cannot by itself stand up in Court proceedings. It has to act through a person. It is only for that limited purpose, the names of office bearers would be there in the certificate proceedings.”

6. Likewise a Division Bench of this Hon'ble Court in the case of **Kanhaiya Lal v. State of Bihar** reported in 2022(2) **PLJR 553** has held as under:-

“... which has examined a similar matter and held that the certificate proceedings against the Directors of a Company incorporated under the provisions of Companies Act could not lie as the Company has an independent juristic Corporate entity.”

4. Having regard to the law laid down by this Court, the Certificate Case No. 06/2016-17 stands quashed as against the petitioner herein.

5. With the above directions, the present writ petition stands allowed to the extent indicated.

(A. Abhishek Reddy, J)

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