

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7625 of 2026

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Mritunjay Kumar Son of Bhupal Prasad, R/o Village- Godhwa, Post- Pataura,
Police Station- Mufasil Motihari, District- East Champaran at Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Cooperative, Bihar, Patna.
3. The Registrar, Co-operative Societies, Bihar, Patna.
4. The District Magistrate, East Champaran at Motihari.
5. The District Co-operative Officer, East Champaran at Motihari.
6. The Assistant Registrar, Cooperative Societies at Motihari.
7. Raju Baitha, Son of Daroga Baitha, R/o Village- Basamanpur Agarwa, P.O-
Pataura, Block- Motihari, District- East Champaran at Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
	:	Mr. Pushkar Prashant, Advocate
For the Respondent/s	:	Mr. Government Pleader (07)

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CORAM: HONOURABLE MR. JUSTICE GIRIJISH KUMAR
ORAL ORDER

2 25-06-2026 Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. With the consent of both the parties, this writ
application is being disposed of at this stage itself.

3. In the present writ application the petitioner has
prayed for the grant of following reliefs:-

“(I) For issuance of a writ in the nature of certiorari
to quash the Appeal proceeding initiated on the basis
of complaint no. 402110213052500775/2A filed by
the respondent no. 7 pending before the Principal
Secretary Department of Cooperative-Cum-Second



Appellate Authority under Bihar Right to Public Grievance Redressal Act, 2015.

(II) For issuance of a direction not to disturb the functioning of the petitioner as chairman of the PACS.

(III) To hold and declare the order dated 20.02.2026 contained in memo no. 20711-02766 passed in Appeal proceeding pending before the Principal Secretary-Cum-Second Appellate Authority is illegal, void and also in teeth of Article 20(2) of the constitution of India and as such deserve to be quashed.

(IV) To quash the letter no. 740 dated 09.03.2026 issued by the District Magistrate, Motihari in compliance of the order dated 20.02.2026 by which for the same cause of action another enquiry has been started in the PACS of the petitioner.

(V) For issuance of such other order or direction for which petitioner may be found legally entitled to in the facts and circumstances hereinafter.”

4. Learned counsel for the petitioner submits that the petitioner is at present the Elected Chairman of Godwa Baswanpur Primary Agriculture Credit Society, (hereinafter referred to as “PACS”) on the basis of the decision of the managing committee a proposal was sent to the department of cooperative for providing cash credit loan so that the PACS may



start the business of paddy procurement for the session 2024-25 for the benefit of members.

5. Accordingly the society of the petitioner was granted the benefit of cash credit loan and the managing committee started to purchase the paddy from its member for achieving the target fixed by the District Task force.

6. Learned counsel for the petitioner further states that during the course of implementation of the scheme of paddy procurement the respondent no. 7 who is elected Mukhiya of the Gram Panchayat and indulged in filing different complaint before different authority in the District of Motihari and in continuation thereof the respondent no. 7 made a complaint to the District Public Grievance Redressal forum bearing complaint no. 402110213052500775 dated 13.05.2025.

7. After examining the pros and cons of the matter District Public Grievance Redressal Officer found that the petitioner and manager of the PACS had committed irregularity in purchase of paddy, therefore, he recommended to take disciplinary/legal action against the petitioner and the matter was finally disposed of 28.08.2025.

8. On the basis of the order of District Public Grievance Redressal Officer, the District Cooperative Officer



started proceeding under section 41 (2) of the Bihar Cooperative Society Act, 1935 and suspended the managing committee of the PACS of the petitioner for one month and simultaneously one Girdhari Mohan Prasad was cooperative extension officer was appointed as administrator of the PACS at Memo no. 2998 dated 06.10.2025.

9. Since the matter attained finality and the PACS of the petitioner was punished and the matter was closed by the District Public Grievance Redressal Officer but the respondent no. 7 feeling aggrieved and not satisfied with punishment passed under section 41 (2) of the Bihar cooperative society act, 1935. The respondent no. 7 being a litigant in nature filed an appeal before the first appellate authority. During the course of the proceeding the notices were issued and records were called for and the Id. Commissioner-Cum- First Appellate Court closed the matter on the ground that since the PACS of the petitioner had already been punished then for the same cause of action no further punishment can be imposed and accordingly the matter was closed by order dated 24.10.2025.

10. Counsel for the petitioner further submits that in the meanwhile the District Cooperative Officer on the basis of the request of the petitioner reinstate the managing committee of



the PACS. However, the District cooperative Officer had taken undertaking from the petitioner that in future they will not repeat such type of irregularity. On the basis thereof the DCO issued a letter to this effect as contain in memo no. 3497 dated 27.11.2025 and the society became functional.

11. After disposal of the matter at the level of the First Appellate authority the respondent no. 7 again filed a second appeal against the order dated 24.10.2025 before the Second Appellate Authority-Cum-Principle Secretary Department of cooperative, and after that the proceeding has been initiated before the Second Appellate Authority and during the course of hearing of the second appeal the District Cooperative officer was directed to conduct an inquiry and to submit a report and in compliance of that the District Cooperative Officer issued a letter no. 235 dated 21.01.2026 to the Principal Secretary Department of Cooperative –Cum- Second Appellate Authority wherein he has categorically inform that the PACS of the petitioner had already been punished by way of suspending the managing committee.

12. It is relevant to mention in here that after submission of the district cooperative officer's letter dated 21.01.2026, the second appellate authority cum principal



secretary failed to consider the said report of the district cooperative officer and without discussing the same unilaterally issued an impugned direction to District Magistrate, Motihari and district cooperative officer to initiate enquiry randomly in 100 pacs including the petitioner by his order dated 20.02.2026 which is impugned in this case.

13. In compliance of the order dated 20.02.2026, the District magistrate, East Champaran at Motihari issued letter no 740 dated 09.03.2026 to including District agriculture officer, circle officer, Motihari sadar and Assistant registrar, cooperative societies, Motihari Anchal, Motihari whereby a direction was issued to conduct an enquiry in the PACS of the petitioner for the session 2024-25 with regard to procurement scheme.

14. The complaint made in the present case which relates to the paddy procurement by Chairman, PACS , Godwa Baswanpur and if their arises any dispute related to the irregularities in the paddy procurement the appropriate forum/court to approach is the Registrars court dully established under section 48 of the Bihar cooperative Act, 1935 and the same cannot be adjudicated by an authority which do not have jurisdiction to adjudicate the case.

15. Learned Counsel appearing on behalf of the



petitioner states that the enquiry order passed by the authority is beyond Jurisdiction. Ld. Counsel fairly submits that the petitioner has not raised the jurisdictional issue before the competent authority before approaching this Court by filing the instant writ application, and the matter is still pending before the second appellate authority.

16. Accordingly, in view of the discussions made hereinabove, since the petitioner has not raised the jurisdictional issue before the second appellate authority and the matter is still pending before the second appellate authority therefore, this court is not inclined to entertain this writ application at this stage. However, liberty is granted to the petitioner to raise the issue of jurisdiction before the second appellate authority, if so advised.

17. This Court has not expressed any opinion on the merit of the case.

18. With the aforesaid observation/direction and liberty granted, this writ application is disposed of.

(Girijish Kumar, J)

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