

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2699 of 2025

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Parmanand Prasad Son of Sudarshan Prasad, Resident of Village- Sirswan,
P.S.- Daraunda, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar represented through the Additional Chief Secretary, Department of Co-operative, Government of Bihar, Patna.
2. The Registrar, Co-operative Society, Government of Bihar, Patna.
3. The Joint Registrar, Co-operative Society, Saran at Chapra.
4. The District Deputy Election Officer (Co-operative Society)-cum-District Co-operative Officer, Siwan.
5. The Election Officer (Co-operative Society)-cum-Block Development Officer, Daraunda, Siwan.
6. Baidyanath Singh Son of Sakaladhari Singh, Resident of Village- Kodari Tola Bharauli, P.S- Daraunda, District- Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary
For the Respondent/s : Mr. Addl. Advocate General (03)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 8 16-01-2026 1. The petitioner has filed the present writ application being aggrieved by the order, dated 13.11.2024, passed by the Joint Registrar, Bihar Co-operative Societies, Saran Division, Chhapra, by which the election of the petitioner has been set aside.
2. Learned counsel for the petitioner submits that the petitioner applied for the Membership of the Rukundipur Fisheries Self Supporting Co-operative Society (in short “Fisheries Co-operative Society” and purchased one share of



Rs. 100/- and membership fee of Rs. 25/- totaling to Rs. 125/- which was deposited by receipt no. 10, dated 30.06.2009. The name of the petitioner is at serial no. 101 in the list of members of Fisheries Co-operative Society and same has been certified by the B.C.E.O, Daraunda, Siwan on 30.06.2009.

3. The petitioner filed his nomination for the post of Secretary of the Society on 23.09.2022 in which an objection was filed by the respondent no. 6 on the nomination of the petitioner on the ground that the petitioner is an associate member and not full member, hence, he is having no right to contest the election.

4. The election was held on 01.04.2023 and after counting, the petitioner got highest votes i.e. 198, whereas, respondent no. 6 got 172 votes only, hence the petitioner was declared as elected Secretary by a margin of 26 votes and got election certificate also.

5. The election of the petitioner as Secretary was challenged by respondent no. 6 in Election Dispute Case No. 52 of 2023 before the Registrar, Co-operative Society, Saran at Chapra, and the Registrar referred the matter before the Joint Registrar, Co-operative Society, Saran at Chapra, for deciding the election dispute, where the election dispute was registered



vide Election Dispute Case No. 26 of 2023.

6. The Joint Registrar, Co-operative Society, Saran at Chapra, passed the impugned order, dated 13.11.2024, by which the election of the petitioner on the post of Secretary of the Fisheries Co-operative Society has been set aside on the basis of erroneous finding that the petitioner was not the full members of the Society.

7. Mr. P. N. Shahi, learned senior counsel appearing for the respondent no. 6, submits that the order passed by the Joint Registrar, Co-operative Society, Saran at Chapra, is revisable before the Registrar, Co-operative Society, Saran at Chapra, under Section 56 of the Bihar Co-operative Societies Act, 1935. The Section 56 was substituted by (amendment) Act 10 of 2002. Section 56 of the Act is quoted hereunder for ready reference:-

“The Registrar may, on application or of his own motion, revise any order passed by a person exercising the powers of a Registrar or by a liquidator under Section 44 provided such order has been passed within a period not exceeding six months:

Provided that the Registrar shall have no power to revise any order against which appeal has been provided under



provision of this Act.”

8. Therefore, from express provision, as provided under Section 56 of the Act, it is clear that the Registrar, Co-operative Society, has power to revise the order passed by the Joint Registrar, Co-operative Society, even if he exercises the power of Registrar, after the case having been transferred by the Registrar for deciding the election dispute.

9. Taking into consideration the submissions advanced by learned counsel for the parties, this writ application is disposed with liberty to the petitioner to file a revision application under Section 56 of the Co-operative Societies Act, 1935, before the Registrar, Co-operative Society, Saran at Chapra, against the impugned order, dated 13.11.2024, within a period of one month.

10. If such an application is filed with condonation of delay petition, the Registrar, Co-operative Society, Saran at Chapra, is directed to dispose the matter within a period of five months by a reasoned and speaking order in accordance with law after giving opportunity of hearing to the persons concerned.

11. With the aforesaid observations and directions, this writ application is, accordingly, disposed.



12. The interim order, dated 24.02.2025, passed by
this Court shall stand vacated.

(Anil Kumar Sinha, J)

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