

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.433 of 2026

Niraj Ojha alias Niraj Kumar S/o Nageshwar Ojha, Resident of Village-Sarwan, P.O. - Sarwan, P.S.- Barachatti, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Co-operative, Govt. of Bihar, Patna.
2. The Collector-cum-District Election Officer, Gaya.
3. The District Co-operative Officer -cum- District Deputy Election Officer, Gaya.
4. The Block Development Officer -cum- Returning Officer, Barachatti, Gaya.
5. The Block Co-operative Extension Officer, Barachatti.
6. Sri Rajesh Kumar, Chairman Sarwan PACS, Barachatti, Gaya.
7. The Secretary, Sarwan PACS, Barachatti, Gaya.
8. The Bihar State Election Authority, through its Secretary, Patna.
9. The Secretary, Bihar State Election Authority, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Madhu Prasun
For the Respondent/s	:	Mr.Standing Counsel (25)
For the B.S.E.A.	:	Mr. Mukesh Kumar Thakur

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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| 2 | 19-01-2026 | <ol style="list-style-type: none">1. Heard learned Counsel for the parties concerned.2. The petitioner claims to be the full-fledged member of the Sarwan PACS, Barachatti, Gaya, but he was shown as a co-member of the said PACS in the voters' list prepared for the PACS election of 2024. The petitioner wanted to contest the election, but due to wrong placement of his membership in the voters' list, the petitioner approached this Court in CWJC No. 19268 of 2024, complaining |
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against the defect in the preparation of voters' list and not allowing the petitioner to contest the election, meanwhile some of the members of the PACS have been elected unopposed. The writ application was disposed with direction to the petitioner to file a representation before the Bihar State Election Authority (in short, 'the Authority') and in pursuance thereof, the petitioner filed an application before the Authority, dated 09.01.2025.

3. The Authority has decided the claim/representation of the petitioner by the impugned order, dated 27.01.2025, holding that the petitioner failed to produce any evidence to show that the petitioner was inducted as full-fledged member of Sarwan PACS, Barachatti, Gaya.
4. Mr. Mukesh Kumar Thakur, learned Counsel for the Authority, submits that after disposal of the objection of the petitioner by the Authority, dated 27.01.2025, election notification was issued by the Authority on 29.01.2025 and as per the schedule of election, the election has, now, been concluded and the office bearer has been declared elected unopposed.
5. Accordingly, the submission is that the tenure of the office bearer is of five years and if the petitioner wants to



pursue the election petition, he has the remedy before the Registrar, Co-operative Societies, under Section 48 of the Bihar Co-operative Societies Act, 1935 and can also take recourse to the remedy before the Registrar, Co-operative Societies, with regard to his membership.

6. Considering the fact that the petitioner has the remedy before the Registrar, Co-operative Societies, insofar as his membership status is concerned, the petitioner can file a proper application before the Registrar, Co-operative Societies, who shall decide the same in accordance with law.
7. Since the time limit for challenging the election of the office bearers before the Registrar, Co-operative Societies, has, now, expired, as such, this Court cannot relegate the petitioner before the Registrar, Co-operative Societies, challenging the election of the office bearers of the Sarwan PACS, Barachatti, Gaya.
8. With the aforesaid observation and direction, this writ application is disposed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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