

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2821 of 2018

Maharana Singh

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Department of Co-operation, State of Bihar, Patna.
2. Bihar State Election Authority, Bihar, Patna through its Chief Election Officer.
3. The District Magistrate, Arwal.
4. The Sub- Divisional Officer, Arwal.
5. Block Development Officer, Sonbhadra Banshi Suryapur Block, Arwal, cum election officer, Sonbhadra Banshi Suryapur, Vyapar Mandal, Arwal.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh, Adv.
For the Respondent/s : AC to AAG-11

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE MADHURESH PRASAD)

Date : 19-05-2023

Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner is aggrieved by the guidelines dated



13-10-2017 (Annexure-5), issued by the Chief Election Officer, Bihar State Election Authority (Respondent No.2) with respect to election to the Managing Committee of the *Vyapar Mandal*, Co-operative Societies comprising of Chairmen of Committees, of Primary Agriculture Credit Society (PACS) the guidelines provide that if there is a lack of forum after the nomination process is over for elections, the election shall be stayed and intimation given to the State Election Commission.

3. It is the petitioner's case that the process of nomination for election to the Sonbhadra Banshi Suryapur, *Vyapar Mandal* was over and no contest emerged. He submits that only one person, chairman of the Sherpur PACS filed nomination for the post of chairman. Chairman of Annua PACS, Sonbhadra Banshi PACS, Chamandi PACS and Mali PACS filed nomination for the post of members of Managing Committee. The nominations having been found valid, the result has not been notified and, therefore, the formation of Managing Committee has remained illusive in view of the guidelines dated 13.10.2017 (Annexure-5).

4. The petitioner claims to have represented before the Bihar State Election Authority, the District Magistrate, Arwal as also the Block Development Officer, Sonbhadra Banshi



requesting that the in view of the valid nominations (Annexure-4), the Committee be declared constituted uncontested.

5. The petitioner himself has filed the writ petition as a Public Interest Litigation claiming to be a validly elected representative of the residents of Sonbhadra Banshi Suryapur Block as the Block *Pramukh*. The petitioner is not one of the persons who has submitted nomination for membership of the Managing Committee or for the post of its Chairman. He claims to be an elected representatives (*Pramukh*) of the Block. He has made statement regarding submission of nomination by various Chairmen of the PACS in his Block, who have not been impleaded as a party to the writ petition. Whether they are still desirous of being members of the Managing Committee of the *Vyapar Mandal* or not therefore cannot be ascertained in their absence on mere assertion of the petitioner.

6. The election to the *Vyapar Mandal* is required to be conducted in terms of co-operative movement under the provisions of Bihar Co-operative Societies Act and Rules framed thereunder. If constitution of the Committee is not being done out of persons, whom as per the petitioner's assertion, had submitted nomination/s, it is for them to take steps in accordance with the Act and Rules before the authorities



competent under the Act, in accordance with law.

7. We do not find any public interest so as to warrant exercise of extraordinary discretionary writ jurisdiction in favour of the petitioner. The writ petition is dismissed.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	
CAV DATE	
Uploading Date	19-05-2023
Transmission Date	

