
(1994) 12 PAT CK 0032
In the Patna High Court
Case No : C.W.J.C. No. 9447 of 1994

Nagendra Singh

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 05-12-1994

Acts Referred:

Citation : (1994) 12 PAT CK 0032

Hon'ble Judges : S.N. Jha, J;S.J. Mukhopadhyaya, J

Bench : Division Bench

Judgement

1. The Petitioner has challenged the order of the Sub-divisional Officer, Sikrahana, the authority authorised to conduct election in respect of primary co-operative societies under Rule 21B(3) of the Bihar Co-operative Societies Rules, 1959, to hold election within his jurisdiction, dated October 3, 1994, staying the election process in respect of Inarwa Phulwar PACS.

2. The said Society is said to be in supersession since 1991. On September 30, 1994, the Sub-divisional Officer issued an order directing the election officer to take steps for holding election of the members and office-bearers of the managing committee of the society. The date of election, accordingly, was fixed on October 30, 1994. However, only three days after issue of the said order i.e. on October 3, 1994 the Sub-divisional Officer passed the impugned order staying the whole election process till further orders.

3. The matter came up for preliminary hearing on November 28, 1994. We gave a week's time to the learned Counsel for the state to find out the reasons for staying the election process. Counsel states that despite communication of the order on wireless, he has not received instructions as yet.

4. The impugned order does not disclose reasons why the election process having once commenced, was stayed. The society cannot be allowed to remain in supersession for indefinite period. Non-holding of election is contrary to democratic process, which is the very foundation of functioning of the co-

operative societies. In our opinion, steps for election should have been taken much earlier. Be that as it may, in absence of any cogent reason having been brought to our notice as to why the election process could have been stayed, the order appears to be arbitrary.

5. We, accordingly, set aside the order of the Sub-divisional Officer dated October 3, 1994, and direct him to take steps for holding the election of the members and office-bearers of the managing committee of the society by December 31, 1994.

6. This application is, accordingly, disposed of.