
(2019) 12 PAT CK 0249

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 25105 Of 2019

Ramshrestha Singh

APPELLANT

Vs

State Of Bihar Through And Ors

RESPONDENT

Date of Decision : 13-12-2019

Acts Referred:

Bihar Co-operative Societies Act, 1935 — Section 48

Citation : (2019) 12 PAT CK 0249

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Pushpendra Kumar Singh, Bindhyachal Rai, Mukesh Kumar

Final Decision : Disposed Of

Judgement

1. Heard, learned counsel for the petitioner; learned GP 19 for the State and Mr. Mukesh Kumar, learned counsel for the State Election Authority (hereinafter referred to as the 'Authority').

2. The petitioner has moved the Court for the following reliefs:-

"(I) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the order dated 05.12.2019 passed by the Respondent no. 5 on the certificate of Scrutiny whereby and where under he was pleased to reject the nomination of the petitioner which he had filed to contest the election for the post of Chairman of Harnahiya Primary Agriculture Credit Cooperative Society (hereinafter referred to as the PACCS) for which election was scheduled on 15.12.2019 on the ground that the said rejection of nomination by the Respondent no. 5 is illegal, arbitrary and malafide.

(II) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent no. 5 to accept the nomination of the petitioner for the post of Chairman of Harnahiya PACCS for which election is scheduled on 15.12.2019 and allow the petitioner to contest the election on the ground that if in the voter list published by the Returning Officer, the petitioner

has been shown as the full member of the Society, the Returning Officer was not justified in rejecting his nomination, if any objection was raised to this effect that the petitioner being a co-member is not eligible to contest the election.

(III) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case."

3. In view of the fact that elections have already been notified on 31st October, 2019, the Court may only observe that any dispute of the present nature is now required to be raised, after the elections, by way of an election dispute before the competent authority under Section 48 of The Bihar Co-operative Societies Act, 1935.

4. In view thereof, the application stands disposed off with liberty aforesaid.