
(2004) 01 PAT CK 0010
In the Patna High Court
Case No : L.P.A. No. 2 of 2004

Umesh Ram

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 06-01-2004

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2004) 2 PLJR 818

Hon'ble Judges : Ravi S. Dhavan, C.J.;Shashank Kr. Singh, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. The Petitioner-Appellant who is a member of Chiraiyan Fishermen Co-operative Society, has filed this Letters Patent Appeal being aggrieved by order dated 28.10.2003 in C.W.J.C. No. 10637 of 2003, by which the writ court, in view of the fact that as the Petitioner-Appellant has not availed remedy u/s 48 of the Bihar Co-operative Societies Act, did not grant him any relief under Article 226 of the Constitution of India.

2. The short facts of the present case is that the programme for election to the aforesaid Co-operative Society was issued by the Assistant Registrar-cum-Conducting Officer on 25.6.2003.

3. Contention on behalf of the Petitioner-Appellant is that Respondent No. 3 to the writ petition was not duly appointed as Assistant Registrar, as such, election programme issued by him for holding election was illegal in the eye of law. In support of his, contention Annexure-1 has been brought on record in the aforesaid writ application which is an order issued by the Co-operative Department, Government of Bihar, dated 13 February, 2002, to show that only powers of Assistant Registrar were given to those officers for discharging day to day functions in their own pay scale and as they had not been notified as Assistant Registrar u/s 6(1) of the Cooperative Societies Act, as such, any

programme issued by them was illegal and any election held under the aforesaid programme was void. As Respondent No. 3 to the writ application was also covered by Annexure-1, he could not have been designated as the Assistant Registrar-cum-Conducting Officer.

4. The writ court, in view of the fact that the election programme had already been issued and election had been conducted in view of the said programme and a remedy was available to the Petitioner-Appellant to challenge the same u/s 48 of the Bihar Co-operative Societies Act and the Petitioner-Appellant had chosen not to challenge the same, did not grant any relief to the Petitioner-Appellant.

5. We do not find any error apparent in the order of learned single Judge requiring interference by this Court. The Letters Patent Appeal fails and is dismissed being devoid of merit.