

(2010) 12 PAT CK 0069

Patna High Court

Case No: CWJC No. 15489 of 2010

Rakesh Pandey, Chairman, PACS

APPELLANT

Vs

The Bihar State Election
Authority and Others

RESPONDENT

Date of Decision: Dec. 20, 2010

Citation: (2011) 59 BLJR 2150 : (2011) 1 PLJR 828

Hon'ble Judges: S.N. Hussain, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

S.N. Hussain, J.

This writ petition has been filed by the Petitioner challenging order dated 30.8.2010 (Annexure-5) passed by the Registrar, Cooperative Societies, Bihar by which his Appeal No. 55 of 2010 was dismissed and order of the Joint Registrar, Co-operative Societies, Tirhut Division, Muzaffarpur (Respondent No. 2) dated 18.2.2010 (Annexure-4) by which Election Case No. 12 of 2010 filed by Respondent No. 6 was allowed and for other ancillary reliefs.

2. The short fact of the case is that election for Rarhia Primary Agriculture Cooperative Societies within Areraj Block in the district of East Champaran was held on 16.10.2009 after completing all the formalities, whereafter the votes were counted and result was declared on 18.10.2009.

The Petitioner contested for the post of Chairman of the said Society and he was declared elected and from 19.10.2009 he started functioning in that capacity. Against the said election, Respondent No. 6, who was a losing candidate, filed Election Case Mo. 12 of 2010 before the Joint Registui, Co-operative Societies, Tirhut Division, Muzaffarpur who allowed the said petition vide impugned order dated 18.2.2010 (Annexure-4) and directed recounting. Against the said order, Petitioner

filed Appeal No. 55 of 2010 before the Registrar, Co-operative Societies, Bihar who rejected the said appeal vide order dated 30.8.2010 (Annexure-5).

3. The objection raised by Respondent no.6 as well as the claim of the writ Petitioner and the materials produced by them were fully considered by both the authorities and they concurrently found that in the aforesaid election, the election authorities had not followed the specific provision with regard to such election and the objection raised by Respondent No. 6 regarding re-election was wrongly ignored, as no valid reason could be given for rejection of the same, although such matter of re-election was very serious in nature and should have been proceeded as per the specific provision. Both the authorities were concurrently satisfied that there was irregularity in counting of ballot papers due to which the dispute had arisen, which cannot be properly resolved without ordering for recounting.

4. In view of the aforesaid concurrent findings of both the authorities, namely the Registrar, Co-operative Societies, Bihar as well as the Joint Registrar, Co-operative Societies, Tirhut Division, Muzaffarpur with regard to the irregularities and the necessity of recounting based upon the pleadings and the materials on record, this Court does not find it legal and proper to interfere with the said orders. Accordingly, this writ petition is dismissed.