

3
This page.

CP-3
-10-
14.11/14

IN THE HIGH COURT OF JUDICATURE AT PATNA
(CIVIL WRIT JURISDICTION)

C.W.J.C.No. _____ / of 2014.

Ashok Kumar Sah.....Petitioner.

Versus

The State of Bihar & Others.....Respondents.

Sub:- Co-operative Societies.

INDEX

<u>S.N</u> <u>o.</u>		<u>Particulars</u>	<u>Page No.</u>
1.		An application Under Article 226 of the Constitution of India with Affidavit.	1 to 04
2.	<i>Annexure: 1</i>	A Xerox/typed copy of the N.O.C. dated 27.09.2014 issued under the signature of Branch Manger of Purnea ,District Central Co-operative Bank Ltd. Branch-Amour, District – Purnea.	-10- 15
3.	<i>Annexure: 2</i>	A Xerox/type copies of the receipt which acknowledgement dated 23.09.2014 .	-11-
	<i>VAKALATNAMA</i>		

- 81 -

IN THE HIGH COURT OF JUDICATURE AT PATNA
(CIVIL WRIT JURISDICTION)

C.W.J.C.No. _____ / of 2014.

Ashok Kumar Sah *Petitioners.*

Versus

The State of Bihar & Others..... *Respondents.*

SYNOPSIS

Reliefs:-

This is the Writ petition being filed before this Hon'ble High court on behalf of the aforesaid petitioner who seeks the issuance of a writ in the nature of mandamus commanding and directing the respondent to accept the Nomination form/ paper ' of the petitioner ^{in the view of the N.R. accepted on} filed on 23.09.2014 for the post of 'PACS ADHAKSHA' of Gram Panchayat Kanphalia Block - Waisa, District-Purnea, who is going to be held at in the days to come in future.

RELEVANT FACTS OF THE CASE

<u>23.09.2014</u>	The candidature of the petitioner for the post of chairman of confoulia Pacs unit ,Block-Waisa has been rejected by the state respondent on.
<u>27.09.2014</u>	Petitioner has also obtained the no objection certificate from the purnea district central co-operative Bank Limited Branch-Amour, District –Purnea , And the aforesaid N.O.C. indicates that the petitioner has no any economic liability for aforesaid Bank and as such he is without an restraint is legally able to contest the election of the confoulia Pacs ,District- Purnea.
Hence the present writ application.	

285

GOVT OF BIHAR
REGISTRATION, ENCASE & PROJECTION DEPT
PATNA COURTE PATNA
COURT



STAMP DUTY
00000
0000285

JUDICIAL
13/11/14
MC
98/14
Sinha
A. Sinha

Received: J. A. Ghose
13.11.2014

13.11.2014

IN THE HIGH COURT OF JUDICATURE AT PATNA
(CIVIL WRIT JURISDICTION)

C.W.J.C.No. _____ / of 2014.

In the matter of an
application under Article
226 of the Constitution of
India

AND

In the matter of:

Ashok Kumar Sah , Son of Raj Mohan Sah, resident of
Mohalla-Sila Raghunathpur, P.O.-Asaza, P.S: Routa District:
Purnea.

.....Petitioner.

Versus

1. The Bihar State Election Commission, Bihar.

- The state of Bihar through*
2. [^] The Collector, District-Purnea.
 3. The Election Officer Cum S. D. O. Waisa, District-Purnea. The Additional Collector, District Madhepura.
 4. The Registrar Co-operative Society at Patna.
 5. The Joint Registrar Co-operative society, Purnea Division of Purnea.
 6. The Block development Officer, Block-Waisa, District-Purnea.

.....Respondents.

To,

The Hon'ble Ms. Justice Rekha M. Doshit, the Chief justice of the High Court of Judicature at Patna and her companion justices of the said Hon'ble Court.

The humble petition on behalf of the petitioner above named.

MOST RESPECTFULLY SHEWETH:

1. That this is the Writ petition being filed before this Hon'ble High court on behalf of the aforesaid petitioner who seeks the issuance of a writ in the nature of mandamus commanding and directing the respondent to accept the Nomination form/ paper ' of the petitioner ^{in the view of the N.R.} filed on ^{accepted on} 23.09.2014 for the post of 'PACS ADHAKSHA' of Gram Panchayat Kanphalia Block -Waisa, District-Purnea, who is going to be held at in the days to come in future.
2. That the petitioners are citizen of India and resides within the territorial jurisdiction of this Hon'ble court.
3. That the petitioner was the Pacs Adhaksha of confouli a pacs (unit) Block -Waisa district -Purnea whose name also figure at serial no.483 of Electrol Roll of Confoulia Pacs unit.
4. That it is further stated that the allegation for the post of Chairman of Pacs confoulia Pacs Unit, Block-Waisa was notified to be a commenced in the year 2014 at it is appropriates terms.

5. That it is further being stated herein that the petitioner being desirous to contest the election of the post of Chairman of confoulia Pacs Unit, he submitted his N.R. amount on 23.09.2014 which has been accepted by the state respondents.
6. That it is further pointed out that the petitioner has also obtained the no objection certificate from the purnea district central co-operative Bank Limited Branch- Amour, District -Purnea in 27.09.2014. And the aforesaid N.O.C. indicates that the petitioner has no any economic liability for aforesaid Bank and as such he is without an restraint is legally able to contest the election of the confoulia Pacs ,District- Purnea.

A Xerox/typed copy of the
N.O.C. dated 27.09.2014
issued under the signature of
Branch Manger of Purnea
,District Central Co-

↑
A

operative Bank Ltd. Branch-
Amour, District -Purnea is
being annexed herewith and
marked as **Annexure-1** to
this writ petition.

7. That it is further stated that the candidature of the
petitioner for the post of chairman of confoulia Pacs unit
may be accepted
Block-Waisa ~~has been rejected~~ by the state respondent [^] .

A Xerox/type copies of
the receipt which
acknowledgement dated
23.09.2014 is being
annexed herewith and
marked as **Annexure-2**
to this writ petition.

8. That it is further re-iterated that the petitioner

hereinafter the nominated chairman of the confoulia Pacs Block-Waisa District-Purnea had been discharging his people duity to the full satisfaction all concerned and in no any point of time during his Tenure, No allegation in any sought has been leveled against him.

9. That it is furthers stated and submitted that the ^{non-consideration} re-jection of the nomination form/paper submitted by the petitioner for the post of Pacs Adhaksha confoulia unit, Block-Waisa is quite illegal and not sustainable at all in the eye of law.
10. That it is further stated and submitted that the State respondent while acting upon in the nomination paper/form have committed a wrong with a view to deprive the right of the petitioner to contest the election of the Pacs Chairmanship.
11. That it is further stated and submitted that the

In the facts and circumstances state here-in-above
the rejection/^{non-consideration} of the Nomination form/paper is fit
to be set aside by this Hon'ble High Court.

12. That it is further stated and submitted that
petitioners have got no any efficacious/alternative
remedy then to move before this Hon'ble High
court for the redressal of their grievance.
13. That it is further to state here that the
petitioner has never moved before this Hon'le
High Court for the redressal of their grievance as
set out in the instant writ petition.

It is, therefore, most humbly
prayed your Lordships may
graciously be pleased to admit this
application, issue Rule NISI calling
upon the respondents to show cause
as to why the relief prayed for in
Para 1 of the writ application be not

7

allowed and on cause being shown
if any and after hearing the parties,
further be pleased to allow this writ
application and make the rule
absolute against the respondents.

AND/OR

Pass such other order or orders as
Your Lordships may deem fit and
proper in the facts and
circumstances of the case.

And for this, the petitioner shall ever pray.

A handwritten mark, possibly a signature or initials, consisting of a vertical line with a small flourish at the bottom.

AFFIDAVIT

I, Ashok Kumar Sah, Aged about 42 years Son of Raj Mohan Sah, resident of Mohalla-Sila Raghunathpur, P.O.-Asaza, P.S.-Routa, District: Purnea, do hereby solemnly affirm and state as follows:

1. That I am the Petitioner in this case and as such am well acquainted with the facts and circumstances of the case.
2. That the contents of this writ application have been read over to me and explained in Hindi which I have understood the same. The statements made in paragraph nos. 2 & 5, 8 & 12 are true to my knowledge, and those made in paragraph nos. 6 & 7 are correct to my information derived from the records of the case, and rest are by way of submissions before this Hon'ble Court.
3. That the Annexures are true/photo copies of their respective originals.

ASLOK KUMAR SAH
14-11-14
I identify the deponent
Binay Kr. Me. to
Mr. A. K. Pr. Cady
D. No - 408/14
Date - 14/11/14

K

Ann-I

दि पूर्णियाँ डिस्ट्रीक्ट सेन्ट्रल को-ऑपरेटिव बैंक लि०, पूर्णियाँ

क्रमांक :- 06993

शाखा- कर्म

दिनांक :- 23/9/14



बकाया रहित (NO-DUES) प्रमाण-पत्र

प्रमाणित किया जाता है कि श्री/श्रीमती कशोक कुमार साह पिता/पति

राजमोहन साह ग्राम बिगला रघुनाथपुर तालुका सासन

प्रखण्ड बलिया जिला पूर्णिया के पास दि पूर्णियाँ डिस्ट्रीक्ट सेन्ट्रल को-ऑपरेटिव बैंक

लि०, शाखा कर्म का कोई ऋण बकाया नहीं है।

इस प्रमाण-पत्र का शुल्क मो०-50/- रु० (मो० पचास रुपये) मात्र शाखा के चलान सं०-..... 23/9/14

दिनांक-..... 23/9/14 द्वारा प्राप्त कर लिया गया है।

नोट :- इस अधिकोष द्वारा कृषक सदस्यों को अल्पकालीन (फसली) ऋण देने का प्रवधान है, अतएव यह प्रमाण-पत्र निर्गत की तिथि से पन्द्रह दिनों तक मान्य होगा।

Branch-in-charge

शाखा

अन्व. 2 x724372

X

चिन्त-संख्या 6190 वर्ष 2014

जिससे प्राप्त हुआ अर्थात् कुल राशि 1000

किस मदे 20000000

पैकल - 20000000

पै - काफिलता रकम 1000200

नकद

स्टाम्प के रूप में

कुल 1000200

पै 1000200 (केवल रुपये में)

प्राप्त कल गले पदाधिकारी

हारीब