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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 1744 of 2026**

1 - Nepal Sahu S/o Shri Nilamber Sahu Aged About 43 Years
Prescribed Officer (Prardhikrit Adhikari) Prathmik Krishi Sakh Sahakari
Samiti Maryadit Risikela, Registration No. 1231, R/o Village- Kosampali,
Thana And Tahsil- Basna, District Mahasamund (C.G.).

... Petitioner(s)**versus**

1 - State Of Chhattisgarh Through Secretary, Co-Operative Department,
Mahanadi Bhawan, Capital Complex, Atal Nagar New Raipur, District
Raipur (C.G.)

2 - Commissioner State Co-Operative Election Commission Raipur,
Mahila Thana Chowk, Chhotapara, Raipur, District- Raipur (C.G.)

3 - Collector Mahasamund Distt.- Mahasamund (C.G.)

4 - Joint Registrar Co-Operative Society Raipur, Division Raipur, Distt.-
Raipur (C.G.)



5 - Commissioner Co-Operative And Deputy Registrar Co-Operative Society Mahasamund, District- Mahasamund (C.G.)

6 - Shri Laxman Patel Suoervisor Jila Sahakari Kendriya Bank Raipur, Branch- Saraypali/ Prescribed Officer, Prathmik Krishi Sakh Sahakari Samiti Maryadit Risikela, Registration No. 1231, Mahasamund, District Mahasamund (C.G.)

... Respondent(s)

For Petitioner(s)	:	Mr. Sunil Sahu, Advocate.
For Respondent(s)/State	:	Mr. Amit Nayak, Panel Lawyer.
For Respondent No. 2	:	Mr. Malay Shrivastava, Advocate.

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

23/04/2026

1. By way of this petition, the petitioner has prayed for following reliefs:-

"10.1 That, the Hon'ble court may kindly be pleased to call tire records pertaining to the nomination as well as removal the prescribed officer from the office of Commissioner Co-operative Society Mahasamund/Respondent no. 5, for kind perusal of this Hon'ble court.

10.2 That, this Hon'ble Court may kindly be pleased



to issue an appropriate writ by quashing the order impugned dated 19.03.2026 (Annexure P-1) & 12.12.2025 (Annexure P-2).

10.3 That this Hon'ble court may kindly be please to direct the respondents authority to not disturb the petitioner till the election of the Board of Directors of the Co-operative Society and he may be permitted to work for the Society.

10.4 Any other relief which the Hon'ble Court may deem fit, in the interest of justice.”

2. Brief facts of the case, is that, the petitioner is aggrieved by the impugned order dated 19.03.2026 passed by respondent No. 4/Joint Registrar, Co-operative, whereby the appeal preferred by the petitioner against the order dated 12.12.2025—relating to his removal from the post of Prescribed Officer—has been dismissed, and simultaneously, the appointment of respondent No. 6 as Prescribed Officer has been affirmed without affording any opportunity of hearing to the petitioner and without following the procedure prescribed under the Chhattisgarh Co-operative Societies Act, 1960 and the Rules of 1962; that it is further submitted that elections to co-operative societies across the State have been due since 2017–18, and in the absence of any steps taken by the State authorities for conducting such elections, the societies have been managed through nomination/appointment of Prescribed Officers, and in this context, the petitioner, along with



others, was duly appointed as Prescribed Officer to ensure smooth functioning of the society; that pursuant to order dated 14.11.2024 passed by the Committee constituted under Rule 43-B of the Rules, 1962, the petitioner was appointed as Prescribed Officer of Prathmik Krishi Sakh Sahakari Samiti Maryadit Risikela, Registration No. 1231, and he assumed charge on 20.11.2024, during which tenure no complaint was made against him and the society functioned efficiently, even achieving the objective of zero shortage at the procurement centre; that, however, all of a sudden, without assigning any valid reason and without following due process, a proposal for his removal was made and an order dated 12.12.2025 was issued by respondent No. 5 removing him from the said post, despite the fact that his appointment was made under Rule 43-B(4)(a) of the Rules, 1962 to continue till the election of the Board of Directors, which has not yet been conducted; that aggrieved thereby, the petitioner preferred an appeal before respondent No. 4, wherein an interim stay was granted on 26.12.2025 and notice was issued to respondent No. 5, who filed a reply relying upon a judgment passed by the Hon'ble High Court in WPC No. 33/2024, contending that the authority has power under Section 49(8) of the Act, 1960 to remove a Prescribed Officer; that, however, the learned Joint Registrar, without properly considering the grounds raised in the appeal and solely relying upon the said reply and the cited judgment, dismissed the appeal vide impugned order dated



19.03.2026; that it is respectfully submitted that the appellate authority has committed a manifest error of law in rejecting the appeal without due application of mind and without considering the factual and legal aspects of the case, merely on the premise that such power exists under Section 49(8) of the Act, 1960, and therefore, the impugned order is arbitrary, illegal, and unsustainable in law, hence the present petition.

3. Learned counsel for the petitioner submits that the petitioner was duly nominated as Prescribed Officer vide order dated 14.11.2024 pursuant to the recommendation of the committee constituted under Rule 43-B of the Rules, 1962, and had taken charge in accordance with law. The petitioner has been discharging his duties efficiently and diligently, and during his tenure, the concerned society achieved significant milestones, including maintaining zero shortage in paddy procurement for the year 2024–25. There has been no complaint whatsoever against the functioning of the petitioner. Despite this, without assigning any cogent reason and without following the due procedure prescribed under the Act and Rules, a proposal for his removal was abruptly passed on 12.12.2025, and on the very same day, the respondent No. 4 issued the order removing the petitioner from the post of Prescribed Officer.
4. It is further submitted that the petitioner's appointment was made under the provisions of Section 49(8) of the Act, 1960 read with Rule 43-B(4)(a) of the Rules, 1962, to continue till the elections of



the Board of Directors are conducted. Admittedly, no steps have been taken by the authorities to conduct elections since 2017–18, and the societies are being run through appointed Prescribed Officers. In such circumstances, removal of the petitioner without holding elections and without any justifiable cause is wholly arbitrary, illegal, and contrary to the statutory scheme. Moreover, no show cause notice or opportunity of hearing was afforded to the petitioner before passing the impugned order, thereby violating the principles of natural justice.

5. Learned counsel further submits that the petitioner preferred an appeal before respondent No. 4, wherein initially an interim protection was granted vide order dated 26.12.2025. However, the learned Joint Registrar, without properly appreciating the grounds raised in the appeal and without applying judicial mind, dismissed the appeal solely relying upon a judgment passed in WPC No. 33/2024, without examining its applicability to the facts of the present case. The appellate authority failed to consider that the said judgment was rendered in a different factual context and does not justify arbitrary removal of the petitioner in the present case.
6. It is also contended that the impugned action is vitiated by arbitrariness and mala fide exercise of power, as similarly situated Prescribed Officers across the State have been allowed to continue, and the petitioner has been selectively targeted without any valid reason. The plea of “administrative exigency” is vague



and unsupported by any material on record. The entire exercise appears to be aimed at replacing the petitioner with a person of choice, thereby defeating the very object of the statutory provisions and undermining fair administration of the co-operative society. As such, it is prayed that the impugned orders deserve to be set aside and appropriate directions be issued in favour of the petitioner.

7. On the other hand, learned State counsel as well as learned counsel for respondent No. 2 opposed the submissions advanced on behalf of the petitioner and submit that the impugned orders have been passed strictly in accordance with law and within the competence of the authorities under the provisions of the Act, 1960. It is contended that under Section 49(8) of the Act, the competent authority is vested with the power to appoint as well as remove a Prescribed Officer, and such action can be taken in administrative exigencies to ensure proper functioning of the society. It is further submitted that the petitioner has no vested right to continue on the post of Prescribed Officer, as the appointment itself is purely temporary in nature and subject to the discretion of the competent authority. The respondents contend that the decision to remove the petitioner was taken after due consideration of relevant factors, and the same cannot be termed as arbitrary or illegal. It is also submitted that the appellate authority has duly considered the submissions of the parties, examined the record, and rightly dismissed the appeal by passing



a reasoned order, warranting no interference by this Court in exercise of its writ jurisdiction.

8. I have heard learned counsel for the parties at length and have perused the material available on record.
9. Upon due consideration, this Court finds that the petitioner was appointed as a Prescribed Officer in exercise of powers under the provisions of the Act and the Rules, 1962 as well as such appointment is admittedly temporary in nature, made to ensure smooth functioning of the society till the constitution of an elected body. It is well settled that a person appointed on such a post does not acquire any vested or indefeasible right to continue, and the competent authority retains the power to make appropriate changes, including removal, in administrative exigencies.
10. In the present case, the impugned order of removal has been passed by the competent authority in exercise of powers under Section 49(8) of the Act. The appellate authority has also considered the matter and, upon examination of the record and relevant legal position, has affirmed the order by dismissing the appeal preferred by the petitioner. This Court does not find any patent illegality, perversity, or jurisdictional error in the impugned orders so as to warrant interference in exercise of writ jurisdiction under Article 226 of the Constitution of India.
11. So far as the contention of violation of principles of natural justice is concerned, in the facts and circumstances of the case, and considering the nature of appointment, this Court is not inclined to



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accept the same so as to vitiate the impugned action. The reliance placed by the respondents on the statutory provisions and the judgment referred to by the appellate authority also cannot be said to be misplaced.

12. Accordingly, no case for interference is made out. The writ petition, being devoid of merit, is hereby **dismissed**.

Sd/-

(Amitendra Kishore Prasad)
Judge

Raghu Jat