



2026:CGHC:18533

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 1825 of 2026**

1 - Vijay Kumar Pradhan S/o Shri Kailash Chand Pradhan Aged About 54 Years Prescribed Officer (Prardhikrit Adhikari) Prathmik Krishi Sakh Sahakari Samiti Maryadit Toshagaon, Registration No. 1261, R/o. Village - Antarla, Post- Toshgaon, Thana And Tahsil - Saraypali, 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 Ravindra Kumar Nayak Co-Operative Extension Officer, Prescribed Officer Prathmik Krishi Sakh Sahakari Samiti Maryadit, Toshgaon, Registration No. 1261, Mahasamund, Distt.- Mahasamund (C.G.)

... Respondent(s)**(Cause Title is taken from CIS System)**



For Petitioner	:	Mr. Sunil Sahu, Advocate
For State	:	Mr. Abhishek Gupta, Panel Lawyer
For Resp. No. 2	:	Mr. Malay Shrivastava, Advocate

Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

23/04/2026

1. The petitioner has filed this writ petition seeking following reliefs:

“10.1 That, the Hon'ble court may kindly be pleased to call entire records pertaining to the nomination as well as removal of 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) & 15.12.2025 (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. Facts of the case, as projected in the petition, are that the present case arises out of the policy decision taken by the State



Government for re-organisation of co-operative societies and consequential amendments made in the provisions of the Societies Act, with the objective of ensuring smooth functioning of Primary Agricultural Credit Co-operative Societies. In furtherance thereof, provision was made under Rule 43-B sub-rule 4(a) of the Rules, 1962 for appointment of a Prescribed Officer to discharge the functions of the President of the Society till the conduct of elections. It is the case of the petitioner that prior to such appointment, due enquiry was conducted and only those persons fulfilling the requisite conditions, namely being a member of the concerned society, having availed loan from the society, and not suffering from any disqualification, were considered eligible. Upon satisfaction of all such criteria, a proposal was duly passed in favour of the petitioner and accordingly, by order dated 14.11.2024, the respondent No. 5 appointed the petitioner as Prescribed Officer of Toshgaon Society. Pursuant thereto, the petitioner assumed charge on 19.11.2024 and his signatures were duly communicated to the concerned bank. It is further averred that during his tenure, the petitioner efficiently discharged his duties and contributed towards achieving the target of zero shortage in paddy procurement for the year 2024–25. Additionally, for the subsequent procurement year 2025–26, agreements were executed between MARKFED and the society under the supervision of the petitioner, in which he actively participated. It is further the case that elections of co-operative societies have not



been conducted since the year 2017–18, and in absence thereof, the State Government has been administering such societies through appointed Prescribed Officers. In this regard, a writ petition bearing WPC No. 1244/2023 (Sanjay Pradhan vs. State of Chhattisgarh) was filed seeking directions for conduct of elections, wherein this Court vide order dated 15.03.2023 directed the State Co-operative Election Commission to place on record steps taken for conducting elections. However, till date, no effective steps have been taken and elections remain pending. While the petitioner was continuing in office, a proposal dated 12.12.2025 was suddenly passed recommending his removal, and on the basis of such proposal, respondent No. 5 issued an order dated 15.12.2025 removing the petitioner from the post of Prescribed Officer without assigning cogent reasons and without any declaration of election schedule. Aggrieved thereby, the petitioner preferred an appeal before the Joint Registrar, who initially granted interim protection by staying the removal order on 17.12.2025. However, subsequently, the appellate authority dismissed the appeal vide order dated 19.03.2026, primarily relying upon powers under Section 49(8) of the Co-operative Societies Act, 1960, without proper consideration of the petitioner's contentions. Being aggrieved, the petitioner has approached this Court by way of the present petition.

3. Learned counsel for the petitioner submits that the impugned orders are wholly illegal, arbitrary and contrary to the statutory



scheme governing co-operative societies. It is contended that the petitioner was appointed strictly in accordance with Rule 43-B(4) (a) of the Rules, 1962 read with Section 49(8) of the Act, 1960, and his tenure was co-terminus with the holding of elections of the Board of Directors. In absence of any election process having been initiated or conducted, the premature removal of the petitioner is per se illegal and in violation of the governing provisions. It is further submitted that the impugned order of removal dated 15.12.2025 has been passed in complete violation of principles of natural justice, as no show cause notice or opportunity of hearing was afforded to the petitioner prior to passing of the said order. The action of the respondents, therefore, stands vitiated on this ground alone. It is argued that the reason cited as “administrative exigency” is vague, arbitrary and unsupported by any material, and no explanation has been furnished as to what circumstances necessitated such abrupt removal, particularly when no elections are being conducted. Learned counsel further contends that the appellate authority has failed to exercise its jurisdiction in accordance with law and has mechanically dismissed the appeal by merely relying upon a judgment passed in WPC No. 33/2024, without appreciating that the facts of the said case are entirely distinguishable. It is submitted that in the said case, removals were effected pursuant to a general policy decision following change in government, whereas in the present case, no such circumstance exists. The



appellate authority has not recorded any independent findings nor has it considered the earlier interim order granting stay in favour of the petitioner. It is also argued that the respondents have adopted a pick-and-choose policy and have selectively removed certain Prescribed Officers, including the petitioner, with mala fide intention, while allowing others similarly situated to continue in office. Such action amounts to arbitrary exercise of power and is violative of Article 14 of the Constitution. It is further alleged that the respondents intend to replace the petitioner with persons of their choice, thereby continuing control over the management of co-operative societies by avoiding timely conduct of elections. Lastly, learned counsel submits that the continued failure of the authorities to conduct elections, despite statutory mandate under Section 50-B(8)(a) of the Act, 1960 and directions issued by the High Court, clearly demonstrates an intent to bypass democratic governance of co-operative societies. In such circumstances, removal of the petitioner before holding elections is not only unjustified but also undermines the very object of the statutory framework. Hence, the impugned orders deserve to be set aside.

4. Per contra, learned State counsel supports the impugned orders and submits that the appointment of the petitioner as Prescribed Officer was purely temporary in nature and made to ensure smooth functioning of the society till constitution of an elected body. It is contended that under Section 49(8) of the Act, 1960, the competent authority has power not only to appoint but also to



remove a Prescribed Officer, and such power can be exercised in administrative exigencies. It is further submitted that the petitioner has no vested right to continue on the said post and the appellate authority has rightly affirmed the order of removal.

5. I have heard learned counsel for the parties and perused the material available on record.
6. Upon consideration of the rival submissions and the material on record, this Court finds that the petitioner was appointed as Prescribed Officer in exercise of statutory powers under the Act, 1960 and the Rules, 1962. Such appointment is admittedly temporary in nature and is made only as a stop-gap arrangement till the duly elected body assumes charge. It is well settled that a person holding such a post does not acquire any indefeasible or vested right to continue, and the appointing authority retains the discretion to make appropriate changes, including removal, in administrative interest.
7. In the present case, the order of removal dated 15.12.2025 has been passed by the competent authority in exercise of powers under Section 49(8) of the Act. The appellate authority, upon consideration of the record and the legal position, has affirmed the same by dismissing the appeal vide order dated 19.03.2026. This Court does not find any manifest illegality, arbitrariness, or jurisdictional error in the impugned orders warranting interference under Article 226 of the Constitution of India.



8. So far as the contention regarding non-conduct of elections is concerned, though it is true that elections have not been conducted for a considerable period, the same, by itself, does not confer any enforceable right upon the petitioner to continue on the post of Prescribed Officer indefinitely. Similarly, the plea of violation of principles of natural justice, in the facts and circumstances of the case and considering the nature of appointment, is not sufficient to vitiate the impugned action. The reliance placed by the appellate authority on the statutory provisions and the judicial precedent cannot be said to be misplaced, and no case is made out to hold that the impugned orders suffer from non-application of mind or perversity. In view of the foregoing discussion, this Court is of the considered opinion that no interference is called for.
9. Accordingly, the writ petition, being devoid of merit, is hereby **dismissed**.

Sd/-

(Amitendra Kishore Prasad)
Judge

Shayna