



CNR: KAHC010646072024

NC: 2026:KHC:48799
WP No. 30816 of 2024
C/W WP No. 31601 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 30816 OF 2024 (S-RES)

C/W

WRIT PETITION NO. 31601 OF 2024 (CS-RES)

IN WP No. 30816/2024

BETWEEN:

SMT. POORVIKA D.J,
AGED ABOUT 32 YEARS,
W/O RAJESH H.M,
R/A DONAGUDIGE VILLAGE,
ALDUR POST - 577 111
CHIKKAMAGALUR TALUK
CHIKKAMAGALUR DISTRICT.

...PETITIONER

(BY SRI. JAYAKUMAR S. PATIL, SR. COUNSEL FOR
SRI. K.S. KALLESHAPPA, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY
ASSISTANT REGISTRAR
OF CO-OPERATIVE SOCIETIES,
AT CHIKKAMAGALUR,
CHIKKAMAGALUR POST,
CHIKKAMAGALUR TALUK
CHIKKAMAGALUR DISTRICT.



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2. THE PRIMARY AGRICULTURAL
CREDIT CO-OPERATIVE SOCIETY LTD.,
SANGAMESHWARA PETE,
CHIKKAMAGALURU DISTRICT - 577 136,
REPRESENTED BY ITS PRESIDENT.
LOAN FOR AGRICULTURAL PURPOSE,
UNDER CO-OPERATIVE SOCIETIES ACT.

...RESPONDENTS

(BY SMT. MAMATHA SHETTY, AGA FOR R1;
SRI. DEVI PRASAD SHETTY, ADVOCATE FOR R2)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO i) ISSUE ANY
APPROPRIATE ORDER, DIRECTION OR WRIT IN THE NATURE
OF MANDAMUS TO SECOND RESPONDENT TO TAKE
PETITIONER ON DUTY AS CEO OF THE SECOND RESPONDENT
CO-OPERATIVE SOCIETY, AS PER ANN-A NO.
PACS/S.M.PETE/SIBBANDI-NEMAKATI/01/24-25, DT: 15/7/24
AND ETC.,

IN WP NO. 31601/2024

BETWEEN:

1. K.M SURESH
S/O MANJAPPA GOWDA
AGED ABOUT 66 YEARS
DIRECTOR/VICE-PRESIDENT
PRIMARY AGRICULTURAL CREDIT
CO-OPERATIVE SOCIETY LTD.,
R/O KADABAGERE, SANGAMESHWARAPETE
CHIKKAMAGALURU TALUK - 577 136.
2. B.C. MANJUNATH GOWDA
S/O LATE B.D. CHANNAGOWDA
AGED ABOUT 64 YEARS
DIRECTOR,
PRIMARY AGRICULTURAL CREDIT



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CO-OPERATIVE SOCIETY LTD.,
R/O BERANAGODU VILLAGE,
JENUGADDE POST.
CHIKKAMAGALURU TALUK - 577 136.

3. A.P. PRASANNA
S/O PUTTASWAMY GOWDA
AGED ABOUT 48 YEARS
DIRECTOR
PRIMARY AGRICULTURAL CREDIT
CO-OPERATIVE SOCIETY LTD.,
R/O AGRAHARA, SANGAMESHWARAPETE POST
CHIKKAMAGALURU TALUK - 577 136.

...PETITIONERS

(BY SRI. DEVI PRASAD SHETTY, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF CO-OPERATION
M.S BUILDING
DR. B.R. AMBEDKAR VEEDHI
BENGALURU - 560 001.
REPRESENTED BY ITS PRINCIPLE SECRETARY.
2. ASSISTANT REGISTRAR OF
CO-OPERATIVE SOCIETIES,
CHIKKAMAGALURU DIVISION,
K.M ROAD, CHIKKAMAGALURU - 577 101.
3. PRIMARY AGRICULTURAL CREDIT
CO-OPERATIVE SOCIETY,
SANGAMESHWARAPETE,
CHIKKAMAGALURU - 577 101
REPRESENTED BY ITS MANAGING CEO
(REGISTERED UNDER KARNATAKA



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4. K.L. CHANDREGOWDA
S/O LAKSMANA GOWDA
AGED ABOUT 62 YEARS
PRESIDENT
PRIMARY AGRICULTURAL CREDIT SOCIETY
SANGAMESHWARAPETE
SANGAMESHWAR POST
CHIKKAMAGALURU DISTRICT - 577 101.

5. POORVIKA. D.J
W/O RAJESH.H.M
AGED ABOUT 35 YEARS
R/O DOMAGUDIGE,
ALDOOR POST
CHIKKAMAGALUR TALUK DISTRICT - 577 111.

...RESPONDENTS

(BY SMT. MAMATHA SHETTY, AGA FOR R1 AND R2;
SRI. K.P. THRIMURTHY, ADVOCATE FOR R4;
SRI. B.H. SHAMANNA, ADVOCATE FOR R3;
SRI. JAYAKUMAR S. PATIL, SR. COUNSEL FOR
SRI. K.S. KALLESHAPPA, ADVOCATE FOR R5)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE
ORDER PASSED BY THE R-4 ON 15.07.2024 IN NO.
PACS/S.P.PETE/SIMBANDI/NEMEKATHI/01/2024-25
PRODUCED AT ANNEX-C AND ETC.,

THESE PETITIONS, COMING ON FOR PRELIMINARY
HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE
THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV



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ORAL ORDER

WP No. 31601/2024 has been filed by the Directors of the Primary Agricultural Credit Co-operative Society Ltd., Sangameshwarapete. The writ petition assails the order passed by the President of the Primary Agricultural Credit Co-operative Society Ltd., at Annexure-C, whereby the President has issued an order appointing one Poorvika D.J. as Chief Executive Officer.

2. The writ petition is filed contending that the order of appointment at Annexure-C is without authority of law, as the proceedings of the Society, including the resolutions, would indicate that a decision was taken to defer the announcement of the selection till the new management is constituted.

3. The WP No.30816/2024 is filed by Poorvika D.J., who is the candidate stated to have been selected pursuant to the order of appointment by the President. In the said writ petition, the candidate has sought issuance of



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a writ in the nature of mandamus to take the petitioner on duty as CEO of the respondent-Co-operative Society. In light of the issues and facts overlapping in the two writ petitions, both writ petitions are taken up together and disposed of by a common order.

4. The facts would reveal that, in order to fill up the vacancy for the post of Chief Executive Officer of the Society, steps were taken, under Rule 17 of the Karnataka Co-operative Societies Rules, 1960. A Recruitment Committee under Rule 17A came to be constituted.

5. It is further made out from the pleadings of the Directors in WP No.31601/2024 at paragraph No.2 that the Recruitment Committee that was constituted consisted of the President and Director Sri U.V. Jayaram, R. Nagesh, Ex-Director and Ex-Registrar of Co-operative Societies, as well as the In-charge Secretary.

6. It is made out that thereafter, applications from eligible candidates were called, a written examination was



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held, and eventually, an interview was also conducted. In the interregnum, it is made out that, in light of discrepancies that were noticed during the written examination, one of the candidates had approached this Court in WP No.6105/2023, assailing the resolution dated 15.02.2023 of the Society. The said writ petition came to be allowed, setting aside the resolution dated 15.02.2023, whereby the selection list was announced, and the Society was directed to consider and proceed to announce the results of the examinations conducted earlier. There was an observation that there was no need for the Society to hold the examination once again, noticing that the discrepancy regarding the provision of key answers was rectified. The said order of the learned Single Judge was affirmed in WA No. 1453/2023.

7. Learned counsel Sri Devi Prasad Shetty, appearing on behalf of the Directors, has placed reliance on the resolutions of the Society, a copy of which is produced at Annexure-B dated 06.07.2024, to contend



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that the majority of the Directors had resolved to defer the final announcement of the selection list. Accordingly, it is admitted that the order appointing the candidate Poorvika D.J., issued by the President contrary to the resolution of the Board is without authority of law and is contrary to the applicable Rules.

8. It is asserted that the President cannot usurp the powers of the Board and is bound by the resolution of the Board, which admittedly had deferred the selection process.

9. Learned Senior Counsel Jayakumar S. Patil, appearing on behalf of counsel K.S. Kalleshappa for the candidate, has submitted that once the Recruitment Committee constituted in terms of Rules 17 and 17A has decided and approved the selection, there could be no interference with. It was further pointed out that though the Recruitment Committee proceedings produced in WP No.31601/2024 referred to issuance of appointment order



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after approval by the Board, however, such condition imposes a fetter on the power of the Recruitment Committee vested in it in terms of Rules 17 and 17A as regards the recruitment process.

10. Learned counsel Sri Devi Prasad Shetty, appearing on behalf of the Society, would state that the present Board has no objection for announcement of results. It is further submitted that the Directors who are petitioners in WP No.31601/2024 are no more the Directors and there is a new Board of Management in place.

11. Heard both sides.

12. The facts are not in dispute. It is clear that the Recruitment Committee was set up by the Society in terms of Rules 17 and 17A. Further, the Recruitment Committee has also proceeded with the selection process. The facts would reveal that there were certain discrepancies noticed in the written examination which, however, have received



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the attention of the Court and the Court had directed the Society to proceed with the examination process, noticing that the lapse relating to key answers has been taken care of.

13. At the outset, it must be noticed that in terms of Rule 17A, a Recruitment Committee for direct recruitment is required to be constituted. Admittedly, in the present case, such a Recruitment Committee has been constituted, which is made out from the pleadings of the Directors themselves in WP No.31601/2024 at paragraph No.2. The Recruitment Committee has finally resolved to declare as elected the candidate Poorvika D.J., and the proceedings of the Recruitment Committee at Annexure-A2 produced in WP No.31601/2024 would indicate that the candidate Poorvika D.J. had got 66.42% aggregate marks, which is way ahead of the other two shortlisted candidates V.C. Manjunath (49.10%) and Kum. Yashaswini (48.85%).



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14. The Recruitment Committee proceedings do indicate that approval of the Board is to be taken before selection list is formally announced. Insofar as such aspect, the learned counsel for the Society in Court has unequivocally stated that the Society headed by its current Board have no objection for the selection list for the order selecting Poorvika D.J. The said submission is taken note of.

15. It is also noticed that the Directors who filed the writ petition are no longer part of the management.

16. Essentially, the issue appears to be one between the Directors and the President.

17. Once the present Society is ready to accept the stand of the President, which was earlier made, it is no longer open to permit an inter se dispute between the Directors and the then President to come in the way of the decision of a duly constituted Recruitment Committee. If the present Society has no issue with announcement of



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Poorvika D.J. as the selected candidate, there could not be any lis as of now between the past Directors of the Board of Management and the society represented by the Board.

18. *Vis-a-vis* third parties, communication by the Society would be binding. The internal affairs of the Society insofar as differences between the Directors and the President are concerned is a matter that ought to have been raised in substantive proceedings by way of dispute, if any.

19. Accordingly, the issue in the nature of a dispute between the Directors and the President cannot be made a subject matter of adjudication in light of stand of the present Board reflected through learned counsel for the Society to affirm the selection of Poorvika D.J.

20. Accordingly, the writ petition No.30816/2024 is ***disposed of*** and writ petition No.31601/2024 is ***rejected***.

21. The Society may now proceed to take appropriate steps to formally issue an appointment order



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as per Rules and by-laws, which process may be concluded, within a period not later than six weeks from the receipt of copy of the order.

Sd/-
(S SUNIL DUTT YADAV)
JUDGE

TMP
List No.: 1 Sl No.: 36