



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

WRIT PETITION NO.33474 OF 2024 (CS-RES)

BETWEEN:

1. SRI. K.L CHANDRAPPA GOWDA
S/O LAKSHMAN GOWDA,
AGED ABOUT 60 YEARS,
PRESIDENT
PACCS, SANGAMESHWARRAPETE,
CHIKKAMAGALURU TALUK,
CHIKKAMAGALURU DISTRICT - 577112.

...PETITIONER

(BY SRI. M.R. RAJAGOPAL, SENIOR ADVOCATE FOR
SRI. THRIMURTHY K.P., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ASSISTANT REGISTRAR
OF CO-OPERATIVE SOCIETIES
AT CHIKKAMAGALUR
CHIKKAMAGALURU POST - 577112
CHIKKAMAGALUR TALUK
CHIKKAMAGALUR DISTRICT.
2. THE CHIEF EXECUTIVE OFFICER
PACCS, SANGAMESHWARA PETE,
CHIKKAMAGALURU TALUK,
CHIKKAMAGALUR DISTRICT - 577112.



3. K.M. SURESH,
S/O MANJAPPA GOWDA,
AGED ABOUT 60 YEARS,
VICE PRESIDENT
PACCS, SANGAMESHWARAPETE
CHIKKAMAGALUR TALUK - 577112.
4. B.C. MANJUNATH
S/O CHANNE GOWDA,
AGED ABOUT 58 YEARS,
BOARD OF DIRECTOR
PACCS, SANGAMESHWARAPETE,
CHIKKAMAGALUR TALUK - 577112.
5. A.P. PRASANNA
S/O PUTTASWAME GOWDA,
AGED ABOUT 46 YEARS,
BOARD OF DIRECTOR,
PACCS SANGAMESHWARAPETE
CHIKKAMAGALUR TALUK - 577112.
6. M.G. ROHAN
S/O GOPALA SHETTY,
AGED ABOUT 44 YEARRS,
BOARD OF DIRECTOR
PACCS SANGAMESHWARAPETE
CHIKKAMAGALURU TALUK - 577112.
7. SMT. VEDA
W/O LATE VENKATESH,
AGED ABOUT 55 YEARS,
BOARD OF DIRECTOR
PACCS SANGAMESHWARAPETE
CHIKKAMAGALURU TALUK - 577112.



8. GOKUL SARGOD
S/O S.V. SUBRAMANYA,
AGED ABOUT 42 YEARS,
BOARD OF DIRECTOR
PACCS SANGGAMESHWARAPETE
CHIKKAMAGALURU TALUK - 577112.
9. THE PRIMARY AGRICULTURAL CREDIT
CO-OPERATIVE SOCIETY LTD.,
SANGAMESHWARA PETE
CHIKKAMAGALURU DISTRICT - 577112
REPRESENTED BY ITS CEO
LONE FOR AGRICULTURAL PURPOSE.
10. ASSISTANT REGISTRAR OF CO-OPERATIVE
SOCIETIES
AT CHIKKAMAGALUR
CHIKKAMAGALUR POST - 577112
CHIKKAMAGALUR TALUK
CHIKKAMAGALUR DISTRICT.

...RESPONDENTS

(BY SRI. YOGESH D. NAIK, AGA FOR R1, R2 & R10;
SRI. B.H. SHAMANNA, ADVOCATE FOR R9;
R3 TO R8 SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
QUASH THE PROCEEDINGS BEFORE THE RESPONDENT NO. 10
i.e. ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES AT
CHIKKAMAGALURU IN PETITION BEARING A.R.NO. 26 DDQ
S.M. PETE C.R. NO. 48/2024-25 AS PER ANNEXURE-D.



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

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL ORDER

1. In this writ petition, petitioner has sought for quashing the proceedings before respondent No.10 in the proceedings produced at Annexure-K to the writ petition.

2. The relevant facts for adjudication of this writ petition are that the 9th respondent is a Co-operative Society, invited applications from eligible candidates for the post of Chief Executive Officer of the Society. The written examination was conducted on 14.11.2022 and thereafter, result was announced on 04.01.2023 by the University which has conducted the examination. Thereafter the resolution dated 15.02.2023 was passed stating that a fresh examination has to be conducted in so far as candidates are concerned. The said resolution dated 15.02.2023 was challenged before this Court in W.P.No.6105/2023 by the candidate and this Court, vide order



dated 14.08.2023 (Annexure-A) quashed the resolution dated 15.02.2023 passed by the 9th respondent - Society and thereby directed the Society to consider the results announced by the examination authority. The said order of the learned Single Judge was confirmed by the Division Bench of this Court in W.A.1453/2023(Annexure-B), by Judgment dated 15.04.2024.

3. It is also to be noted that eligible candidates were called for oral interview and thereafter, appointment orders have been issued on 15.07.2024, and as such, one Smt. Poorvika D.J. was appointed as The Chief Executive Officer of the 9th respondent - Society (Annexure-C). It is also stated in the writ petition that the appointment of the said CEO was opposed by some of the Directors of the 9th respondent - Society and as such, a petition was filed before respondent No.10 under S.29(C)(1)(8)(b) of the Karnataka Co-operative Societies Act, 1959 (hereinafter referred to as 'the Act'). Pursuant to the same, the petitioner herein has entered appearance and opposed the petition. Pendente lite, Smt. Poorvika D.J. has approached this Court in W.P.No.30816/2024 seeking direction against respondent No.9 - Society to issue appointment letter



to her as the CEO of the Society. This Court, vide order dated 25.11.2024 (Annexure-H) issued interim order and the Writ Petition is pending consideration. In the meanwhile, the respondent No.1 - Government, has issued the Circular for conducting election to the post of Directors of the 9th respondent - Society as per the Circular (Annexure-J), dated 21.11.2024.

4. It is to be noted that respondent No.10 has not passed any order pursuant to the appearance of the petitioner by filing statement of objections and same is pending consideration before the Court. Hence the petitioner has preferred this writ petition challenging the proceedings before the respondent No.10 as per Annexure-K to the Writ Petition.

5. I have heard Sri. M.R. Rajagopal, learned Senior Counsel for the petitioner and Sri. Yogesh D. Naik, learned Additional Government Advocate appearing for the respondent Nos.1 and 10.

6. It is argued by the learned Senior Counsel by referring to the provision contained under S.29-C(8) of the Act that disqualification of appointment is not acceptable in so far as the



case of the petitioner is concerned, as pursuant to the proceedings as to appointment, the petitioner herein has been re-elected and therefore, the provisions under S.29(C)(8) of the Act cannot be made applicable to the petitioner as the petitioner has neither involved in any fraudulent act nor entertained any irregularities contrary to the bye-laws of the Society. In this regard, learned Senior Counsel refers to the Judgment of this Court in **W.A.2366/2019 (Sri. K. Eregowda Vs. The State of Karnataka and Others) disposed of on 22.10.2019**. By referring to para 13 of the said Judgment, it is thereafter argued by the learned Senior Counsel for the petitioner that, in view of the said Judgment, action of disqualification cannot be made applicable to the petitioner herein on account of completion of the term of office of the petitioner and accordingly, sought for interference of this Court.

7. Per contra, Sri. Yogesh D. Naik, learned Additional Government Advocate appearing for the respondent - Government, sought to justify the action taken by respondent No.10 in so far as disqualification of the petitioner is concerned.



8. Having taken note of the submissions made by the learned counsel appearing for the parties, on careful consideration of the proceedings before respondent No.10, wherein it relates back to the issuance of the Notification for appointment of CEO as per Section 29-C as per Notification dated 16.09.2022, however, no allegation of fraudulent acts pursuant to the results announced by the Examination Authority which was during the period of 2022.

9. It is also not in dispute that after the completion of five years' term, the petitioner herein has been re-elected to the respondent No.9 - Society. In that view of the matter, as the proceedings which has been initiated against the petitioner by respondent No.10 relates back to the earlier term of office i.e., during 2022, and in this regard, it is relevant to extract the declaration of law made by the Division Bench of this Court in the case of **Sri. K. Eregowda** (supra). Para 13 reads as under:

"13. In the present case, even going by the allegations made against the appellant, he has not incurred any2019:KHC:37644-DB - 13 - disqualification under sub-sections (1), (2) and (5) of



Section 29-C and he has not committed any acts, which are covered by clauses (b) to (d) of sub-section (8) during the term of his office as a Director of the fourth respondent. That is not even the allegation made in the application made before the Assistant Registrar. Therefore, sub-section (8) has no application at all. Sub-section (8) will not apply to the disqualification incurred prior to the term of office of a member of a board of co-operative society commences. It will apply to the disqualification incurred and the acts done during the term of any member of a board of the co-operative society. The allegation against the appellant is that in view of clause (a-iii) of sub-section(2) of Section 20, he was disqualified to vote as he had not completed one year from the date of grant of membership of the fourth respondent."

10. Following the declaration of law made by the Division Bench of this Court as well as the language employed in S.29-C(8) refers to the words 'term of his Office', the declaration shall be referred to any action taken by such person during his tenure in the office. However, in the present case, the term of office during which the allegation was made against the petitioner herein, has been concluded and thereafter the



petitioner has been re-elected and as such, same cannot be considered as term of office relates back to the issuance of the Notification calling for appointment of CEO and in that view of the matter, I find force in the submission made by the learned Senior Counsel appearing for the petitioner. Accordingly, I pass the following:

ORDER

(i) The Writ Petition is allowed.

(ii) The proceedings initiated against the petitioner before respondent No.10 as per Annexure-K in ಪ್ರಕರಣ ಸಂಖ್ಯೆ:ಎಆರ್-26/ಡಿಡಿಕ್ಯೂ/ಪ್ಯಾಕ್ಸ್‌ಎಸ್‌ಎಂಪೇಟೆ/ಸಿಆರ್-48/2024-25 is hereby quashed.

(iii) No order as to costs.

**Sd/-
(E.S.INDIRESH)
JUDGE**