



2026:UHC:4719-DB

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA

AND

THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

Special Appeal No. 233 of 2026

12th June, 2026

Sudhir Chaudhary

-----Appellant

Versus

State of Uttarakhand and Others

----Respondents

Presence:-

Mr. Shubhang Dobhal, learned counsel for the appellant.

Mr. Gajendra Tripathi, learned Standing Counsel and Mr. M.S. Bisht, learned Brief Holder for the State of Uttarakhand/ respondent nos.1 to 3.

JUDGMENT : (per Mr. Manoj Kumar Gupta C. J.)

1. The present *intra court* appeal is directed against the order dated 07.05.2026 passed by the learned Single Judge in a batch of writ petitions. The appellant herein was petitioner in WPSS No.2396 of 2022, which has also been decided by the learned Single Judge by the impugned order passed in the batch of petitions.

2. The appellant had prayed for quashing of the order dated 20.07.2022 passed by respondent no.3 i.e. District Assistant Registrar Cooperative Societies, Uttarakhand Haridwar by which he directed respondent no.4 i.e. Bahuudheshiya Chudiyala Sadhan Sehkari Samiti Limited to cancel the appointment of the appellant forthwith and fix responsibilities of persons



who were instrumental in payment of salaries to the appellant and report compliance.

3. The appellant had also challenged the consequential order dated 31.10.2022 passed by the Secretary of respondent no.4 in compliance of the directions issued by respondent no.3 and whereby the services of the appellant had been terminated.

4. The appellant was occupying the post of Assistant in the Society – respondent no.4. The order of respondent no.3 dated 20.07.2022 states that a detailed inquiry was got conducted on the basis of a complaint received in respect of irregularities committed by respondent no.4 in making appointment of the appellant and other employees.

5. The Enquiry Committee has observed that the appointment of the appellant had been made by respondent no.4 in breach of the norms specified by the Registrar through his letter dated 02.09.2013 and was consequently illegal. Based on the report of the Enquiry Committee, respondent no.3 had issued the directions to respondent no.4 to cancel the appointments.

6. The learned Single Judge has observed that a Primary Cooperative Society is not State within the



meaning of Article 12 of the Constitution and relying on the judgment of the Hon'ble Supreme Court in *S.S. Rana Vs. Registrar, Co-operative Societies and Another*, 2006 (11) SCC 634 has dismissed the writ petition holding it to be not maintainable.

7. The appellant had challenged essentially the order of respondent no.3 by which he directed respondent no.4 to cancel the appointments of the appellant. Learned counsel for the appellant submit that, according to the stand taken by respondent no.3 in the counter affidavit, he exercised the power of the Registrar in issuing the said directions. It is submitted that since the basis for terminating the services of the appellant is the order passed by respondent no.3 in purported exercise of statutory powers, therefore, the writ petition, is fully maintainable but has been wrongly dismissed.

8. Learned Standing Counsel is unable to dispute that the services of the appellant came to be terminated on the basis of the directions issued by respondent no.3 i.e. District Assistant Registrar purportedly exercising powers of the Registrar Co-operative Societies under the provisions of the Uttarakhand Co-operative Societies Act, 2003.



9. Thus, one of the issues, which arose before the learned Single Judge was whether the directions issued by respondent no.3 was within the ambit of his power under the Act and whether the exercise of the power, in the facts and circumstances of the case, was valid or not. The said aspect can definitely be examined by the writ court and in such an event the writ petition could not be said to be directed only against the action taken by respondent no.4.

10. We, therefore, are unable to subscribe to the view taken by the learned Single Judge. Accordingly, the appeal stands allowed and the order of learned Single Judge dated 07.05.2026 in respect of WPSS No.2396 of 2022 is hereby set aside.

11. The writ petition is restored to its original number and shall be decided on its own merits by treating the writ petition to be maintainable.

12. Pending application, if any, also stands disposed of.

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 12.06.2026
Kaushal/pp