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**HIGH COURT OF CHHATTISGARH, BILASPUR****WPC No. 2636 of 2016**

1. Manohar Singh Raj S/o Mansingh Raj, Aged About 49 Years R/o Village And Post Chhatouna, Via Belgahna, Tahsil Kota, Distirct Bilaspur Chhattisgarh

**---- Petitioner****Versus**

1. The State Of Chhattisgarh Through The Secretary, Forest Department, Mahandi Bhawan Mantralaya, Naya Raipur, P.S. Rakhi, Tahsil & Distirct Raipur Chhattisgarh
2. The Chhattisgarh State Minor Forest Produce Union Limited, Through The Managing Director, A 25, V.I.P. Estate, Khamhardih, Shankar Nagar, Raipur Chhattisgarh
3. The Returning Officer, Chhattisgarh State Minor Forest Produce Union Limited, Through The Managing Director A 25, V.I.P. Estate Khamdardih, Shankar Nagar, Raipur Chhattisgarh
4. The Election Tribunal Chhattisgarh In Front Of Ambedkar Statue Collectorate Chowk Through The Chairman, Election Tribunal Chhattisgarh In Front Of Ambedkar Statue Collectorate Chowk, Raipur Chhattisgarh

**---- Respondent**


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| For Petitioner          | Shri S.C. Verma, Advocate      |
| For Respondent/State    | Shri S.M. Ali, Panel Lawyer    |
| For Respondent No.2 & 3 | Shri A.S. Kachhawaha, Advocate |

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**Hon'ble Shri Justice Prashant Kumar Mishra****Order On Board****27/10/2016**

1. Short issue raised in this petition is – whether reservation of seats of Director in the election of Cooperative Society i.e. Minor Forest

Produce Federation ('the Federation' in short) in accordance with the provisions contained in the Chhattisgarh Cooperative Societies Act, 1960 and the Rules framed thereunder would exceed 50% or not ?

2. Shorn off unnecessary details, the relevant facts are that 6 posts of Directors of the Federation have been notified to be held in accordance with the election schedule forming part of Annexure – P/1. The status of reservation is also mentioned in the document wherein it is provided that the post of Director in Sarguja, Bilaspur & Raipur Circles are reserved for Scheduled Tribe category whereas those of Durg, Kanker & Jagdalpur Circles have been kept open for all categories as Unreserved seat. Out of 3 seats reserved for ST candidates, 2 of them namely; Bilaspur & Raipur Circles have been further reserved for ST (Woman) candidate.
3. It is argued that by making further reservation in favour of women candidates, the reservation would exceed 50% and moreover, the male ST candidates in Bilaspur & Raipur Circles would be deprived of contesting election, therefore, the reservation is otherwise arbitrary. No other point is urged by the petitioner.

4. It appears reservation for ST (Woman) candidate in Bilaspur & Raipur circle is by way of horizontal reservation and not by way of vertical reservation. Based on simple arithmetic, out of 6 posts, 3 seats amounting to 50% of the total seats have been reserved for ST category and the remaining 50% have been declared unreserved, therefore, the reservation is not exceeding 50%.
5. The argument that male ST candidates of Bilaspur & Raipur Circle are deprived of contesting election is referred only to be rejected because the right to contest the election in a cooperative society is a statutory right and not a fundamental right. If the reservation is in accordance with law having been made within the permissible scheme, the same is statutory, therefore, a member of the society is not entitled to complain violation of any of his right because he is bound by the parent law, which deals with the affairs concerning election of the society.
6. For the foregoing, this Court does not find any substance in this writ petition. Accordingly, the writ petition is dismissed. Sd/-

Judge  
Prashant Kumar Mishra

Gowri