

(2002) 02 KAR CK 0070
In the Karnataka High Court
Case No : Writ Appeal No. 851 of 2002

Ramanagouda

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 07-02-2002

Acts Referred:

Karnataka Co-operative Societies Act, 1959 — Section 29 (3)

Citation : (2002) ILR (Kar) 1067 : (2002) 2 KarLJ 327 : (2002) 2 KCCR 1115

Hon'ble Judges : N.K. Jain, C.J;N. Kumar, J

Bench : Division Bench

Advocate : Shantesh Gureddi, for the Appellant;

Final Decision : Dismissed

Judgement

N.K. Jain, C.J.—This appeal is filed against the order of the learned Single Judge passed in W.P. No. 45602 of 2001, dated 24-1-2002.

2. It is stated that the appellant was removed from directorship vide Annexure-F, dated 27-11-2001 and the 3rd respondent was nominated as the Director of the 2nd respondent in place of the appellant. It is alleged that when once the appellant was nominated for a period of 5 years vide, order dated 26-9-1998, his Directorship term can be terminated only after expiry of the period. It is also stated that on earlier occasion, the cancellation order dated 28-10-1999 was challenged in the writ which was allowed and which was ultimately approved by this Court as State appeal was dismissed on 25-7-1999 and according to him his term will expire in the year 2004. But, now by the notification Annexure-F, dated 27-11-2001 the appellant has been removed from the post of Directorship. The same is challenged.

3. We have heard the learned Counsel for the appellant and perused the material on record.

4. Government is competent to make an amendment and in the instant case Section 29(3) of the Karnataka Co-operative Societies Act has been amended

wherein it has been incorporated that the members shall be at the pleasure of the State Government. Therefore, when once the provision is there, withdrawal of the member will be at the pleasure of the State Government and thereafter, the question of assigning the reasons before the State Government in revocation of the nomination of the Director to the Committee of the Management does not arise and the same cannot be interfered with. The petitioner has also not challenged the new amendment. We find no reason to interfere, A reference can also be made to the decision of the Supreme Court in *Om Narain Agarwal and others Vs. Nagar Palika, Shahjahanpur and others*, wherein while considering the Uttar Pradesh Municipalities Act, 1916, Section 9 Proviso 4 - Nomination of women members on Municipal Board and that they continue in office during pleasure of State Government, their Lordships held that Proviso 4 is not violative of Article 14 on that count.

5. The learned Single Judge, on consideration of the case-law on the point and the fact situation and in view of the amendment has not interfered with the notification at Annexure-F, dated 27-11-2001. On consideration, we find no error or illegality in the order of the learned Single Judge, so as to call for any interference.

6. Writ appeal is dismissed.