

Case Name: - Bhavikatte Bharamappa v. Registrar of Coop. Societies

Citation: - 2025 SCC OnLine Kar 14645

Link: - <http://www.sconline.com/DocumentLink/U0TS5jxt>

Judgement: -

https://www.sconline.com/print/J_2025_SCC_OnLine_Kar_14645_23090100380_revaeduin_20260323_141806_1_2.pdf

Summary and Conclusion: -

1. The Original Dispute (Election Petition)

The case began when Bhavikatte Bharamappa and others filed an "Election Petition" before a lower authority (the Assistant Registrar of Co-operative Societies). They were challenging the validity of elections that had already been held for the Multipurpose Primary Rural Agricultural Credit Co-operative Society Ltd. in Harapanahalli.

2. The New Election Cycle

While that challenge was still pending, it became time to elect the President and Vice President of the Society. The Returning Officer officially notified the "calendar of events" (the schedule) for these specific leadership elections.

3. The Request for a Stay

The petitioners filed an Interlocutory Application (IA) essentially a temporary request within their main case asking the court to stop or "stall" these new elections for President and Vice President. They argued that these elections should not happen until their original challenge to the general board elections was resolved.

4. The Lower Court's Refusal

On January 7, 2025, the lower court rejected their request to stop the elections. The reason given was that the election process had already been set in motion by the official notification of the calendar of events. In Indian election law, courts are generally very hesitant to interfere once the formal schedule has been announced.

5. The Writ Petition (The Current Order)

The petitioners then moved the Karnataka High Court (Writ Petition No. 100105 of 2025), asking it to overrule the lower court and stop the elections. This led to the order you shared, where the High Court ultimately agreed with the lower court that the elections must proceed.

Key Parties Involved

Petitioners: Bhavikatte Bharamappa and others (Members of the Society).

Respondent No. 1: Assistant Registrar of Co-operative Societies (ARCS), Harapanahalli.

Respondent No. 2: The Returning Officer.

Respondent No. 3: The Multipurpose Primary Rural Agricultural Credit Co-operative Society Ltd.

Core Issue

The petitioners wanted the High Court to stop (stay) the elections for the posts of President and Vice President of a Cooperative Society because they were already challenging the main election process in a lower court.

The Court's Conclusion

The High Court refused to stop the elections and disposed of the petition. The key points of the decision are:

Elections Must Proceed: The Court noted that because the "calendar of events" (the official election schedule) had already been announced, the election process should not be interrupted.

No Interference: Justice M. Nagaprasanna stated there was no strong reason to change the lower court's decision, even if that previous order was brief or "cryptic."

Subject to Final Result: The Court clarified that while the elections will happen now, the results will be subject to the final outcome of the Election Petition pending in the lower court.

Freedom to Argue: The petitioners are free to raise all their legal points and arguments during the ongoing proceedings in the lower court.

Summary

The Court decided that the elections should go ahead as scheduled. If the petitioners eventually win their main case later on, the results of these elections could be cancelled or changed then, but for now, the voting will not be stalled.

Case Name: - Bijapura Jilla Sarkari Naukarara Sahakari Bank Niyamitha v. Joint Registrar of Coop. Societies

Citation: - 2024 SCC OnLine Kar 11531

Link: - <http://www.sconline.com/DocumentLink/5CvGWhy6>

Judgement: - <https://share.google/WoU8Hn41sJa5yI4FF>

Summary and Conclusion: -

The background of the case, Bijapura Jilla Sarkari Naukarara Sahakari Bank Niyamitha v. Joint Registrar of Co-operative Societies (2024), centers on a dispute over the summary dismissal of an employee.

Here is the sequence of events that led to the High Court petition:

1. The Original Termination (2007)

The Second Respondent, Shivayogi Sangappa Jamkhandi, was an employee of the Petitioner-Bank (Bijapura Jilla Sarkari Naukarara Sahakari Bank Niyamitha). On October 16, 2007, the Bank removed him from service on allegations of misappropriation of funds.

2. Challenge Before the Joint Registrar (JRCS)

The employee challenged his termination before the Joint Registrar of Co-operative Societies (JRCS).

The Argument: The employee argued that his removal was illegal because the Bank did not conduct a proper domestic inquiry or follow the principles of natural justice.

The Ruling: The JRCS ruled in favor of the employee. While the JRCS allowed his suspension to continue, it set aside the termination on the grounds that he was entitled to a proper inquiry before being fired.

3. Appeal to the Karnataka Appellate Tribunal

The Bank, aggrieved by the JRCS order to set aside the termination, filed an appeal (Appeal No. 369/2014) before the Karnataka Appellate Tribunal, Bengaluru.

The Result: The Tribunal dismissed the Bank's appeal and confirmed the JRCS's decision. It agreed that the termination was procedurally flawed.

4. The Writ Petition (2017–2024)

Refusing to reinstate the employee or follow the direction for a fresh inquiry, the Bank filed Writ Petition No. 207602 of 2017 in the High Court of Karnataka (Kalaburagi Bench). They sought a "Writ of Certiorari" to quash the orders passed by both the JRCS and the Appellate Tribunal.

Summary of the Dispute

The Bank maintained that the misappropriation was sufficient grounds for dismissal, while the legal authorities maintained that no matter how serious the charge, the Bank cannot bypass the mandatory legal procedure for conducting a departmental inquiry and issuing a second show-cause notice.

The case of *Bijapura Jilla Sarkari Naukarara Sahakari Bank Niyamitha v. Joint Registrar of Co-operative Societies (2024)* revolves around the dismissal of an employee without following the mandatory legal procedures.

Here is the conclusion of the judgment:

The Core Issue

Whether a cooperative bank can terminate an employee on charges of misappropriation of funds without conducting a proper inquiry or issuing a second show-cause notice.

Final Decision of the High Court

The High Court of Karnataka dismissed the writ petition filed by the Bank. The court's conclusion can be summarized in three points:

Failure of Procedure: The Court found it "crystal clear" that the Bank did not follow the proper legal procedure before removing the employee (Respondent No. 2) from service.

Validation of Lower Authorities: The Court upheld the previous orders of the Joint Registrar of Co-operative Societies (JRCS) and the Karnataka Appellate Tribunal. These authorities had already ruled that the termination was illegal because the employee was entitled to a proper inquiry.

Limited Scope of Writ: The High Court stated that under its "writ jurisdiction" (Article 226), it cannot re-examine the facts of the case to cancel the previous orders when it is obvious that the Bank skipped the necessary legal steps for a fair trial.

Final Outcome

The Bank's attempt to overturn the reinstatement of the employee failed. The Bank is now required to issue a second show-cause notice and follow the correct legal process if they wish to take further action against the employee.