

GAHC010084392025



2026:GAU-AS:5113-DB

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WA/147/2025

ABHIJIT CHAKRABORTY
S/O ANATH BANDHU CHAKRABORTY, R/O VILL. AND P.O. BIHARA BAZAR,
P.S. KATIGORAH, DIST. CACHAR, ASSAM.

VERSUS

THE BIKRAMPUR COOP SOCIETIES LTD AND 3 ORS
REGN. NO S/7 OF 1973-74, P.O. BIHARA BAZAAR, DIST. CACHAR, ASSAM
(REPRESENTED BY BILLAL UDDIN BORBHUIYA, THE PRESENT
CHAIRMAN OF THE ABOVE SOCIETY)

2:THE STATE OF ASSAM
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT OF ASSAM
COOPERATION DEPARTMENT
DISPUR
GUWAHATI-6

3:THE REGISTRAR OF COOP. SOCIETIES
ASSAM
KHANAPARA
GUWAHATI-22

4:THE ASSISTANT REGISTRAR OF COOPERATIVE SOCIETIES
CACHAR
SILCHAR
ASSA

Advocate for the Petitioner : MR R K MOUR, MS N BARUAH,MR P DAS,MR. R DUBEY

Advocate for the Respondent : SC, CO OP,

Linked Case : WA/174/2025

JISHU KUMAR NATH
S/O LATE PRANAY NATH
EX-SECRETARY
RAJYUSWARPUR COOPERATIVE SOCIETY LTD.
VILL. AND P.O. UMEDNAGAR
P.S. LALA
DIST. HAILAKANDI
ASSAM.

VERSUS

FOYZUL HOQUE MAZUMDER AND 12 ORS
S/O AJOB UDDIN MAZUMDER
R/O VILL. RAJYUSWARPUR
PT VII
P.O. KATAGAON
P.S. LALA
DIST. HAILAKANDI
ASSAM.

2:MD MOTIBUR RAHMAN MAZUMDER
S/O LATE ASMAN ALI MAZUMDER
R/O VILLAGE- RAJYUSWARPUR PT-VII
P.O. KATAGAON
P.S. LALA
DIST- HAILAKANDI
ASSAM

3:MINA BEGUM LASKAR
W/O MALIK USTAR LASKAR
R/O VILLAGE- RAJYUSWARPUR PT-VII
P.O. KATAGAON
P.S. LALA
DIST- HAILAKANDI
ASSAM

4:ASAB UDDIN LASKAR
S/O LATE TOSIR ALI LASKAR
R/O VILLAGE- RAJYUSWARPUR PT-IV
P.O. KATAGAON
P.S. LALA
DIST- HAILAKANDI

ASSAM

5:SIR RANJIT ROY
S/O RABINDRA ROY
R/O VILLAGE- RAJYUSWARPUR PT-V
P.O. KATAGAON
P.S. LALA
DIST- HAILAKANDI
ASSAM

6:SULTANA BEGUM LASAKR
W/O LATE MOSTAFA AHMED LASKAR
R/O VILLAGE- RAJYUSWARPUR PT-VII
P.O. KATAGAON
P.S. LALA
DIST- HAILAKANDI
ASSAM

7:ABDUL HALIM MAZUMDER
S/O ILLIAS ALI
R/O VILLAGE- RAJYUSWARPUR PT-VI
P.O. KATAGAON
P.S. LALA
DIST- HAILAKANDI
ASSAM

8:UBAIDULLA BARBHUIYA
W/O LATE MONFOR ALI BARBHUIYA
R/O VILLAGE- RAJYUSWARPUR PT-VII
P.O. KATAGAON
P.S. LALA
DIST- HAILAKANDI
ASSAM

9:MOHOMMOD ALI ZULFIKAR LASKAR
W/O ROJOB ALI LASKAR
R/O VILLAGE- RAJYUSWARPUR PT-VII
P.O. KATAGAON
P.S. LALA
DIST- HAILAKANDI
ASSAM

10:THE STATE OF ASSAM
TO BE REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT OF
ASSAM
COOPERATION DEPARTMENT
DISPUR
GUWAHATI-6

11:THE REGISTRAR OF COOPERATIVE SOCIETIES
ASSAM

KHANAPARA
GUWAHATI-22

12:THE ZONAL JOINT REGISTRAR OF COOPERATIVE SOCIETIES

SILCHAR ZONE
SILCHAR-1
ASSAM.

13:THE ASSISTANT REGISTRAR OF COOPERATIVE SOCIETIES
HAILAKANDI

P.O. AND DISTRICT- HAILAKANDI
ASSAM

Advocate for : MR. P K ROYCHOUDHURY
Advocate for : SC
CO OP appearing for FOYZUL HOQUE MAZUMDER AND 12 ORS

Linked Case : WA/120/2025

THE REGISTRAR OF CO-OPERATIVE SOCIETIES
ASSAM
KHANAPARA
GUWAHATI-22

2: THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES
CACHAR
SILCHAR
ASSAM
VERSUS

THE BIKRAMPUR CO-OPERATIVE SOCIETIES LTD.
BIHARA BAZAR
DIST-CACHAR
ASSAM (REP. BY BILLAL UDDIN BORBHUIYA
CHAIRMAN OF THE SAID SOCIETY)

2:BILLAL UDDIN BORBHUIYA
S/O-ABDUL RUP BORBHUIYA
R/O- VILL-SENTI PART-I
P.S- KATIGORAH

DIST-CACHAR
ASSAM

3:ABHIJIT CHAKRABORTY
S/O-ANATH BANDHU CHAKRABORTY
VILL AND P.O-BIHARA BAZAR
P.S- KATIGORAH
DIST-CACHAR
ASSAM

4:THE STATE OF ASSAM
REP. BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
CO-OPERATION DEPARTMENT
DISPUR

Advocate for : MR. S K TALUKDAR
Advocate for : appearing for THE BIKRAMPUR CO-OPERATIVE SOCIETIES LTD.

Linked Case : WA/185/2025

THE REGISTRAR OF CO-OPERATIVE SOCIETIES

ASSAM
KHANAPARA
GUWAHATI 22

2: THE ZONAL JOINT REGISTRAR OF COOPERATIVE SOCIETIES
CACHAR
SILCHAR
ASSAM.

3: THE ASSISTANT REGISTRAR OF COOPERATIVE SOCIETIES
HAILAKANDI
ASSAM
VERSUS

FOYZUL HOQUE MAZUMDER AND 10 ORS
S/O LT. AJOB UDDIN MAZUMDER OF VILL. RAJYUSWARPUR PT. VII
P.O. KATAGAON
P.S. LALA
DIST. HAILAKANDI
ASSAM.

2:MD. MOTIUR RAHMAN MAZUMDER

S/O LT. ASMAN ALI MAZUMDER OF VILL. RAJYUSWARPUR PT. VIII

P.O.KATAGAON
P.S. LALA
DIST. HAILAKANDI
ASSAM.

3:MINA BEGUM LASKAR

W/O MALLIK USTAR LASKAR OF VILL. RAJYUSWARPUR PT. VII
P.O. KATAGAON
P.S. LALA
DIST. HAILAKANDI
ASSAM.

4:ASAB UDDIN LASKAR

S/O LT. TOSIR ALI LASKAR OF VILL. RAJYUSWARPUR PT.IV
P.O. KATAGAON
P.S. LALA
DIST. HAILAKANDI
ASSAM.

5:RANJIT ROY

S/O RABINDRA ROY
OF VILL. RAJYUSWARPUR PT. V
P.O. KATAGAON
P.S. LALA
DIST. HAILAKANDI
ASSAM.

6:SULTANA BEGUM LASKAR

W/O LT. MOSTAFA AHMED LASKAR OF VILL. RAJYUSWARPUR PT. VII
P.O. KATAGAON
P.S. LALA
DIST. HAILAKANDI
ASSAM.

7:ABDUL HALIM MAZUMDER

S/O ILIAS ALI
OF VILL. RAJYUSWARPUR PT VI
P.O. KATAGAON
P.S. LALA
DIST. HAILAKANDI
ASSAM.

8:UBAIDULLA BARBHUIYA

S/O LT. MONFOR ALI BARBHUIYA OF VILL. RAJYUSWARPUR PT. VII
P.O. KATAGAON
P.S. LALA
DIST. HAILAKANDI.

9:MOHAMMAD ALI ZULFIQUR LASKAR

S/O RAJOB ALI LASKAR OF VILL. RAJYUSWARPUR PT. VII
P.O. KATAGAON
P.S. LALA
DIST. HAILAKANDI.

10:JISHU KUMAR NATH

EX. SECRETARY RAJYUSWARPUR COOP. SOCIETY LTD. VILL. AND P.O.
UMEDNAGAR
P.S. LALA
DIST. HAILAKANDI
ASSAM.

11:THE STATE OF ASSAM

REPRESENTED BY THE PRINCIPAL SECY. TO THE GOVT. OF ASSAM
CO OPERATION DEPTT.
DISPUR.

Advocate for : MR. S K TALUKDAR

Advocate for : MR B SINHA appearing for FOYZUL HOQUE MAZUMDER AND 10
ORS

BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

JUDGMENT & ORDER (CAV)

Date : 07-04-2026

(Arun Dev Choudhury, J)

1. All these four appeals have been taken up together for the final hearing.

2. The judgment and order dated 13.03.2025 passed in WP(C) No.925/2022 has been assailed by the private respondents in WA 147/2025 and by the Registrar of Co-operative Societies in WA No.120/2025.
3. The judgment and order dated 09.05.2025 passed in WP(C) No.6945/2024 is assailed in WA No.185/2025 by the Registrar of Co-operative Societies, Assam and by the private respondents in WA No.174/2025.
4. WP(C) 6945/2024 was delivered, applying the determination made in the judgment dated 13.03.2025 passed in WP(C) No. 925/2022.
5. Thus, the primary challenge in these appeals arise from the judgment dated 13.03.2025 passed in WP(C) No.925/2022, (hereinafter referred to as **Bikarampur judgement**), whereby the learned Single Judge interfered with the order dated 10.01.2022, passed by Registrar of Co-operative Societies, Assam and held that the Registrar lacked the jurisdiction to examine the legality of the decision of the Board of Directors of a Society in removing the appellant from the post of Secretary/ Chief Executive.
6. The material facts of WA 147/2025 and WA 120/2025 are not in dispute. The appellant was appointed as Secretary of the Bikarampur Co-operative Society, pursuant to a Board of Directors resolution dated 05.10.2021. Within a short span, the Board, upon certain complaints, adopted a resolution dated

01.12.2021, cancelling the appointment and initiating a fresh recruitment process. The appellant approached the Registrar invoking the statutory mechanism under Section 111 of the Assam Co-operative Societies Act, 2007 (hereinafter referred to as the Act, 2007). The Registrar, after hearing the parties, recorded that the removal had been effected without affording any opportunity of hearing, that the decision-making process suffered from want of quorum and that the statutory provisions governing the conduct of meetings had been violated. On these findings, the Registrar set aside the Board's decision and restored the appellant to the post, which was challenged before the learned Single Judge.

7. The learned Single Judge, however, proceeded to set aside the order of the Registrar on the ground that the dispute was purely between an employer and the employee and therefore, is outside the jurisdiction of the Registrar under Section 111, 92 or 49 of the Act, 2007 and accordingly, allowed the writ petition.
8. In WA 174/2025 and WA 185/2025, the facts in a nutshell are that, to remove the Secretary from the Rajyuswarpur Co-Operative Society, the Board decided to hold a meeting on 04.12.2014, to pass a resolution to that effect. By a resolution taken on that day, the Board decided to terminate the services of the respondent No.5/Secretary of the Society.

The reasons assigned in the said resolution for the removal of the Secretary were that a qualified secretary is required who should be a graduate; but the incumbent was found to be only a matriculate. Certain allegations were also made against him in that resolution. The proceeding of the meeting was approved by the Assistant Registrar of Cooperative Societies.

Being aggrieved, the appellant/Secretary approached the Registrar of Cooperative Societies by preferring an appeal under Section 111(1) of the Act, 2007. Initially, there was a stay of the impugned resolution dated 11.12.2024, which was assailed before the learned Single Judge. The learned Single Judge, applying the principle laid down in **Bikrampur**, allowed the writ petition.

9. Therefore, primarily, this court has been called upon to examine the correctness of the decision of the learned Single Judge rendered in **Bikrampur**.
10. The learned Single Judge in **Bikrampur**, upon examining the statutory scheme of the Assam Cooperative Societies Act, 2007 held that the Secretary/Chief Executive of a Cooperative Society is essentially a full time employee of the society within the meaning of Section 49(1)A and that relationship between the Board and such Secretary is one of the employer and employee governed by private law. It was observed that the power to appoint and remove the

Chief Executive is exclusively vested in the Board under Section 38(2) of the Act, 2007, without any requirement of approval or intervention of the Registrar.

11. On this premise, the learned Single Judge concluded that the impugned dispute arose out of a contract of personal service and did not partake the character of a statutory dispute warranting intervention.
12. On the question of jurisdiction, the learned Single Judge held that Section 111 was inapplicable, as it provides for appeal only against the decision of government officers or the liquidator appointed under Section 95, and not against the resolution of the Board of Cooperative Society.
13. The court further held that Section 92, which deals with settlements of disputes and reference thereof, could not be invoked as the dispute related to the removal of an employee and was therefore excluded from the ambit of dispute within "touching the business of the society", particularly in view of the expressed exclusion of disciplinary matters.
14. The contention that jurisdiction could be traced to Section 49(2)(I) was also rejected. The provision was construed as limited to operational matters of the society, and not to issues of appointment or termination.
15. In consequence, the learned Single Judge held that the Registrar had acted without jurisdiction in entertaining the

appeals and setting aside the decision of the Board. The order directing the reinstatement of the Secretary was found to be impermissible both for want of statutory authority and in the light of settled principles governing the personal service.

16. The learned Single Judge also emphasized that the autonomous character of Co-operative Societies, observing that a registered society under the Act 2007, is not a statutory body but a body corporate governed by provisions of the statute. It was held that the state or its authorities do not exercise deep and pervasive control over the internal management of such societies, particularly in cases where there is no government shareholding. On this reasoning, the learned Judge concluded that interference by the Registrar in matters relating to the appointment or removal of staff would amount to an unwarranted intrusion into the democratic functioning and internal administration of the society.
17. The learned Single Judge further held that even if procedural irregularities or violations of natural justice were alleged in the decision-making process of the Board, such issues would not confer jurisdiction on the Registrar in the absence of a specific statutory prescription.
18. It was observed that jurisdiction must flow from the statute and cannot be assumed on equitable considerations or

necessity. The court underscored that the registrar cannot indirectly assume powers not expressly conferred, and that what is not permissible directly cannot be achieved indirectly by invoking general supervisory powers.

19. Lastly, the learned Single Judge rejected the contention that the denial of jurisdiction rendered the aggrieved party remediless. It was held that the appellant could avail of remedies under ordinary civil law for damages, as there is no scope for specific performance of the contract of employment after termination, and that the absence of a statutory forum does not justify the expansion of the Registrar's jurisdiction.
20. The Court thus concluded that the statutory scheme deliberately excludes such service disputes from the domain of the Registrar and that any interpretation to the contrary would amount to judicial legislation, which is impermissible.
21. The learned counsel appearing for the appellants submits that the impugned judgment proceeds on an erroneous and restrictive construction of the Act 2007, by treating the dispute as arising out of a purely private contract of employment. It is contended that such an approach fails to appreciate the statutory character of the office of the Secretary/Chief Executive. Referring to Section 2(1)(s), 2(1)(l) & 2(1)(x) of the Act 2007, it is urged that the Secretary is not a mere employee simpliciter but occupies a dual position,

being both the office bearer and a full-time employee and is vested with statutory functions under Section 49.

22. It is submitted that the learned Single Judge erred in conflating this composite status to that of an ordinary employee and consequently applied the principle of private employment in a mechanical manner.
23. Developing such an argument, it is contended that the removal of the Chief Executive has a direct bearing on the governance and operational continuity of the society and therefore, cannot be equated to a routine service dispute.
24. It is urged that Section 49(2)(l) is of wide amplitude and has been wrongly construed by the learned Single Judge. The expression "in any matter", it is urged, must receive its plain and natural meaning so as to include disputes relating to removal from the office. However, the learned Single Judge has applied a restrictive reading to the same, construing it as relating to the concept of "course of business".
25. It is further submitted that even if Section 111 in the strict sense may not be attracted to the jurisdiction exercised by the Registrar, it is nonetheless traceable to the combined scheme of Sections 49 and 92. The appellant contends that the Registrar, being vested with the supervisory authority under the Act 2007, is competent to examine the legality of the actions of the Board where such action suffers from jurisdictional infirmity, such as violation of statutory provision,

absence of quorum and breach of principles of natural justice, all of which are specifically available in the present set of cases.

26. The appellant further assails the learned Single Judge's finding that the dispute falls outside the ambit of Section 92, on the ground that it pertains to disciplinary action against an employee.
27. The substantial plank of the appellant's submission is founded on the doctrine that a statute must not be construed in a manner that renders a person remediless. It is urged that if the view taken by the learned Single Judge is sustained, the Chief Executive/Secretary would be left without any efficacious remedy against an arbitrary order of removal. According to them, the remedy of a civil suit is illusory.
28. While endorsing the aforesaid argument, the learned standing counsel appearing for the State and the Registrar of Cooperative Societies submit that the learned Single Judge has failed to appreciate the true scope of statutory supervision embedded in the Act, 2007.
29. It is contended that the Act, 2007, is not merely an enabling statute but a regulatory framework in which the Registrar is entrusted with supervisory, corrective, and adjudicatory functions to ensure that Co-operative societies function in accordance with law. It is urged that the Registrar's jurisdiction cannot be viewed in a compartmentalised

manner by isolating individual provisions; the provisions of Sections 3, 49 and 92 must be read harmoniously, so as to give effect to the legislative intent.

30. According to the learned standing counsel, even if the appeals were filed under Section 111, the power exercised by the Registrar is clearly traceable to the substantive statutory framework, particularly Section 49(2)(I), which confers authority upon the Registrar to render a decision in cases of dispute between the Chief Executive and the Board. The learned standing counsel, referring to the definitions, reiterated that a Secretary is not merely an employee but also an office bearer and the Principal Executive functionary, responsible for the day-to-day administration of the society. Therefore, disputes relating to his removal cannot be equated with ordinary service dispute of employees.
31. The learned standing counsel contends that the learned Single Judge erred in applying the exclusion relating to "disciplinary action against an employee" under Section 92 without appreciating that the secretary stands on a different statutory footing. According to him, the expression 'touching the business of the society' in Section 92 must receive a purposive contextual interpretation. The removal of a Chief Executive/Secretary, who is entrusted with management and operational responsibilities under Section 49(2), directly

impacts the functioning of the society and therefore, falls within the ambit of a dispute affecting the business and management of the society. The narrow interpretation adopted by the learned Single Judge, it is contended, defeats the object of the Act and unduly restricts the supervisory jurisdiction of the registrar.

32. A significant emphasis is placed on the consequences of accepting the interpretation adopted by the learned Single Judge. It is contended that such an interpretation would render the Registrar powerless to correct even patent illegality, thereby enabling arbitrary exercise of power by the Board without any effective check. The learned standing counsel submitted that the Act 2007 does not contemplate such an unregulated domain and that the supervisory role of the Registrar is integral to maintaining the integrity and accountability of a cooperative institution.
33. On the aspect of remedy, it is submitted that relegating an aggrieved secretary to a civil court is neither intended by the statute nor efficacious in practice. The nature of the dispute involving removal from a statutory office requires prompt and effective adjudication, which is precisely what the mechanism under Section 49(2)(I) provides. The absence of such an interpretation would create a remedial vacuum that cannot be attributed to a legislative intent.
34. In conclusion, the learned standing counsel argues that the

order passed by the Registrar is well within the scope of statutory authority, is based on findings of illegality in the board's decision-making process, and constitutes a proper exercise of supervisory jurisdiction.

35. The interference by the learned Single Judge is premised on a narrow and fragmented reading of the Act, which is therefore unsustainable in law and calls for a correction by this court, concludes Mr. Talukdar, learned standing counsel, Cooperation Department, appearing for the Registrar of Cooperative Societies.
36. Per contra, the learned counsels appearing for the respondents support the judgments under appeal and submit that the Act, 2007, clearly vests the power of appointment and removal of the Chief Executive in the Board under Section 38(2) without any requirement of prior approval or subsequent ratification by the Registrar.
37. It is contended that once the statute expressly confers such power on the Board, any interference by a Registrar would constitute an unwarranted intrusion into the autonomy of the cooperative society, which is intended to function as a democratic institution governed by its elected representatives.
38. It is further submitted that the Secretary, notwithstanding his designation as an Office Bearer, is in essence a full-time employee of the society as explicitly provided under Section

49(1)(a) and the relationship between the Board and the Secretary is one of employer and employee.

39. The dispute arising from termination of such employment, as it is urged, is a matter of private law and does not attract the adjudicatory jurisdiction of the Registrar. Reliance is placed on the principle that disputes relating to the contracts of personal service are not specifically enforceable and that courts ordinarily do not grant reinstatement in such matters.
40. The respondents contend that Section 111 is wholly inapplicable as it provides for an appeal only against the decision of the government officers or liquidator, and not against the resolutions of the Board of a Co-operative society.
41. It is urged that Section 92 expressly excludes disputes relating to disciplinary action against employees and therefore, the registrar cannot assume jurisdiction under that provision.
42. The attempt to invoke Section 49(2)(I), according to the respondents, is equally misconceived as the said provision is limited to disputes arising "in the course of business of a co-operative society" enumerated in clause (a) to (I) and does not extend to matters of appointment and removal.
43. It is submitted that any other interpretation would result in rewriting the statute and diluting the autonomy of the Board.

44. It is contended that the Registrar in the present case has acted beyond the bounds of his statutory authority in setting aside the resolution of the Board and directing reinstatement of the secretary, and in the other case, by staying such resolution while admitting the appeal.
45. Lastly, it is urged that the apprehension of remedial vacuum is misplaced as the aggrieved party is always at liberty to seek redress before a competent civil court. The absence of a statutory remedy, it is contended, cannot justify judicial expansion of the jurisdiction of the Registrar beyond what is expressly provided in the Act, 2007. On this ground, the respondents submit that the judgment of the learned Single Judge is sound in law and warrants no interference.
46. We have heard the learned counsel for the parties and perused the materials on record.
47. Section 2(l) defines the Chief Executive as an individual by whatsoever designation called, who is appointed /elected /nominated by the Board on payment or honorary, who performs functions and exercises power under the Act and the bylaws.
48. The use of the phrase "by whatsoever designation" is of considerable significance. It indicates that the legislature was consciously adopting a functional definition rather than a titular one, thereby permitting different societies to describe the same office by different designations, such as

Secretary, etc., while retaining the common statutory identity.

49. Even under Section 49, the statute emphasizes that the society shall have Chief Executive, by whatsoever designation called. The statute thus contemplates of a single apex executive functionary, irrespective of the label assigned.
50. Section 2 (x) of Chapter I defines "office bearers" and expressly includes the Secretary within the category of office bearers, along with the President, Vice President, Chairperson, and Vice Chairperson of a co-operative society.
51. However, the Act does not treat all office bearers alike. A careful scrutiny of the scheme of the Act shows that a clear internal differentiation are there; the President as Chairperson presides over the governance, the Treasurer is concerned with financial oversight; but the Chief Executive by whatever designation called is the only functionary, who is statutorily entrusted with the day to day management and execution of the business of the society under Section 49(2).
52. Thus, while grouping these roles under the umbrella of "Office Bearer", the legislature has conferred a unique statutory identity on the Chief Executive, which is not shared by the other office bearers.
53. The Act does not define Secretary but specifically defines

the Chief Executive in Section 2(l) and elaborately prescribes his powers and functions in Section 49.

54. The legislature, instead of defining the Secretary, deliberately chose to define the Chief Executive in functional terms and to leave the nomenclature open.

55. Thus, the legal consequence is that if a Secretary performs the functions enumerated in Section 49(2), he is, in law, the Chief Executive, irrespective of the label, and the Secretary does not remain merely an office bearer in such a situation. In the case in hand, there is no dispute that the appellants were performing the duties assigned to the Chief Executive under Section 49 of the Act, 2007.

56. Thus, the definition of office bearer which includes within its fold Secretary amongst the principal office bearers of the society, if read with Section 49(1)(a) which treats the Chief Executive as a full time employee (when appointed by the Board), it becomes evident that the legislature has confined the roles of Secretary and Chief Executive into a single institutional office albeit with dual character, both administrative and functional. Such understanding flows directly from the phraseology "by whatever designation called" and uniform assignment of powers and responsibilities under Section 49(2).

57. Most importantly, in defining an "Employee" under Section 2(s) of Chapter I, the legislature has expressly excluded an

“office bearer” from the definition of Employee, thereby excluding the secretary as well. It defines “employee” as a person employed by a society on remuneration, but excluding an “office bearer”

58. Thus, when these provisions of definitions are read together with Section 49(1)(a), it becomes evident that the statute conclusively attributes a dual and composite character to the office of the secretary and does not treat the secretary as a mere employee in the ordinary sense.
59. The secretary is thus a full-time employee for administrative purposes and yet an office bearer embedded in the society's governance structure.
60. In our opinion, this statutory duality is not accidental; it reflects the centrality of the office of the Chief Executive/Secretary in the functioning of the co-operative society.
61. The powers and functions enumerated under Section 49(2) reinforce such a position. The Chief Executive is entrusted with the day-to-day management of the society like the operation of the accounts, the maintenance of records, the convening of meetings, the implementation of the decisions of the Board, and the appointing authority for different posts under the Society. In fact, it is the Chief Executive in whose name the society can sue or can be sued.
62. The office is thus, is at the operational central point.

63. Looking at the scheme of the Act 2007 from the aforesaid perspective, a dispute concerning the removal of such a functionary cannot be equated with a routine service dispute of a subordinate employee. It bears a direct nexus upon the management, continuity and functional integrity of the society.
64. With all the humility at our command, in our opinion, the error in reasoning of the learned Single Judge lies in conflating this distinct statutory office into the category of a purely private contract of employment and thereafter, applying the principles which are applicable only to such contractual employees.
65. Once the nature of the office is correctly appreciated, the statutory scheme must be construed in a manner that preserves the internal regulatory balance.
66. Coming back to Section 49(2)(l), it provides that, in the event of a dispute between the Chief Executive and the Board "in any matter", the decision of the Registrar shall be binding on the Board.
67. The expression "in any matter", in our opinion, is of wide amplitude and does not admit of an artificially created construction, to confine it only to the matters enumerated under clause (a) to (k) of Section 49(2) or else, it would render the said clause otiose.
68. The provision, in our opinion, is intended to serve as a

mechanism for resolving disputes between the administrative head and the governing body of the society, precisely because such disputes have the potential to disrupt the functioning of the institution. A dispute concerning the legality of removal from office squarely falls within its ambit.

69. The reference of disputes to the Registrar under Section 92 and the exclusion of disciplinary action against an employee therefrom cannot be pressed into service to oust the jurisdiction of the Registrar. Such exclusion is based on the assumption that the dispute concerns an ordinary employee and not the Chief Executive.
70. In view of the statutory definition, which places the secretary within the category of office bearers and excludes it from the definition of employee, the dual character assigned to it, and also in view of the functional role assigned to the Chief Executive, the exclusion cannot be mechanically applied by treating it as an employee under a private Board.
71. The contention that Section 111 is inapplicable may be correct, as the provision contemplates an appeal against the decision of the government officers/liquidators. However, the matter cannot rest on the nomenclature of the provisions invoked.
72. It is a settled principle that the exercise of statutory power is not vitiated merely because the source of power is

incorrectly quoted when such power exists in law.

73. In the present cases, the Registrar was approached by two aggrieved Secretaries, who were admittedly performing the functions of Chief Executives of the respective Societies, and the Registrar exercised jurisdiction traceable to the combined reading of Section 49(2)(l) and Section 92.
74. The substance of the jurisdiction exercised and not the label attached to it is determinative.
75. A construction that denies such jurisdiction leads to consequences that are both anomalous and unacceptable.
76. It would render the decision of the Board in matters of removal of the Chief Executive/Secretary effectively immune from scrutiny, even where the decision is expressly arbitrary or in breach of a statutory provision.
77. Here, Section 110 of the Act, 2007 assumes a critical significance when the question of remedilessness is examined within the statutory framework.
78. Section 110 operates as a jurisdictional bar, and its interplay with Sections 92 and 49 becomes decisive in determining whether an aggrieved party is left without an effective remedy. Section 110, in substance, bars the jurisdiction of the Civil Court in respect of matters for which provision is made under the Act, 2007.

79. Sub-Section 2 of Section 110 mandates that no order, decision or award under the Act, 2007 or working of the affairs of a Registered society shall be liable to be challenged, set aside, modified, revised, declared void in any court on any ground whatsoever, save as provided under the Act, 2007.
80. The legislative intent of incorporation of such a provision is well settled. Where a statute creates rights and liabilities and simultaneously provides a mechanism for adjudication, jurisdiction of the civil court is expressly excluded.
81. This is a familiar legislative pattern, intended to ensure that disputes arising within a specialized statutory domain are resolved by authorities possessing expertise in that domain.
82. Thus, Section 110 cannot be read in isolation. It is a part of a self-contained code envisaged by the Act of 2007.
83. When the interpretation adopted excludes the operation of Section 92 and Section 49(2)(I), as has been done by the learned Single Judge and dispute relating to the removal of the Chief Executive/Secretary, are held to be outside the scope of Section 92, on the ground they do not "touch the business of the society" and simultaneously, outside Section 49(2)(I) on a reading of the provision, the inevitable consequence is that such dispute falls outside the statutory adjudicatory framework altogether.
84. Once that happens, Section 110 assumes a prohibitory

character; it prevents recourse to the civil courts in respect of matters, more particularly, when it provides that no order, decision or award under this Act or affairs of a registered society shall be liable to be challenged, set aside, modified, declared void in any court on any ground whatsoever.

85. The combined effect is that the aggrieved party is left in a jurisdictional void.
86. In the opinion of this Court in this context, Section 110 must be harmoniously construed with Section 92 & Section 49(2)(I).
87. The bar of Civil Court jurisdiction indicates that the legislature intended the dispute to be resolved within the statutory framework itself.
88. If Section 92 & Section 49 are interpreted in a manner so as to exclude such a dispute while simultaneously giving full effect to Section 110, the same would result in a self-defeating statutory scheme, one that regulates rights but provides no mechanism for their enforcement. Such a construction must be avoided.
89. A purposive reading would then suggest that Section 110 reinforces rather than negates the jurisdiction of the Registrar.
90. Seen in this light, Section 110 aligns with the arguments of the appellant that the interpretation adopted by the learned Single Judge cannot be sustained. If that

interpretation prevails, it would not only unduly restrict the scopes of Section 92 & Section 49, but would also render Section 110 oppressive in operation by closing the doors of the Civil Court without opening any effective statutory alternative. Such a consequence would be antithetical to the rule of law, which demands that every legal norm must have a forum for redress.

91. For the aforesaid reasons, we are of the considered view that the interpretation placed by the learned Single Judge on the provisions of the Act 2007 is unduly restrictive.
92. The appeals are accordingly allowed.
93. The judgment dated 13.03.2025 passed in WP(C) No.925/2022 is set aside, and the order dated 10.01.2022 passed by the Registrar relating to Bikrampur Co-operative Society is restored.
94. It is needless to say that the respondents shall be at liberty to assail the decision of the Registrar dated 10.01.2022 on merits afresh, if so desired, on which we have made no consideration, as the learned Single Judge has decided the issue only on the point of jurisdiction, without entering into the merits of the claim of the Parties.
95. The Judgment and order dated 09.05.2025, passed in WP(C) No.6945/2024, stands set aside.
96. The Registrar of Co-operative Societies, Assam, shall

expeditiously decide the appeal, and within an outer limit of one month from the date of receipt of a certified copy of this order, by giving reasonable opportunity of hearing to the parties.

97. This disposes of the writ appeals.
98. Parties to bear their own costs.

JUDGE

CHIEF JUSTICE

Comparing Assistant