



2026:AHC:195743-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 34885 of 2026

Rajeshwar

.....Petitioner(s)

Versus

State of U.P. and 3 others

.....Respondent(s)

Along with :

Writ - C No. 1256 of 2026:

1. Amit Tyagi and another Petitioner(s)

Versus

State of U.P. and 2 othersRespondent(s)

Counsel for Petitioner(s)	:	Abhishek Mishra, Shivoham Mishra, Sr. Advocate
Counsel for Respondent(s)	:	C.S.C., Mahesh Narayan Mishra, Satyam Singh

Reserved
A.F.R.

Court No. - 2

HON'BLE J.J. MUNIR, J.
HON'BLE INDRAJEET SHUKLA, J.

(Delivered by Indrajeet Shukla,J.)

1. Heard Mr. H.R. Mishra, learned Senior Counsel, assisted by Mr. Abhishek Mishra, learned counsel for the petitioner, Mr. Satyam Singh, learned counsel for respondent no. 3, Mr. Sujeet Kumar Rai, learned counsel for respondent no. 4, Mr. Roopesh Tiwari, learned Standing

Counsel for respondent nos. 5, 6 and 7; and Mr. Mahesh Narayan Mishra, learned counsel for respondent no. 2.

2. Both the above captioned writ petitions involve common questions of fact and law and are, therefore, being decided by this common judgement.

FACTUAL MATRIX

3. The facts are not much in dispute between the parties; and are delineated hereunder:-

3.1. Writ Petition No.34885 of 2026 has been preferred by the petitioner/the elected Chairman of Bahu-uddeshiya Prathmik Gramin Sahkari Samiti Limited, Khajuri, Block Parikshitgarh, District Meerut (for brevity, 'the Society'), a primary agricultural credit society registered under the provisions of the U.P. Cooperative Societies Act, 1965 (for brevity, 'the Act, 1965'), read with the U.P. Cooperative Societies Rules, 1968 (for brevity, 'the Rules, 1968').

3.2. The election of the Society was held in the year 2023, wherein the petitioner was elected as the Chairman of the Committee of Management of the Society along with nine other directors/members.

3.3. It transpires from the record that, on 16.09.2025, the elected directors filed a written requisition before the District Magistrate, Meerut (specified authority), for tabling a no-confidence motion against the Chairman/petitioner, upon which the In-charge Officer (Janta Darshan), Collectorate, Meerut, vide endorsement dated 20.09.2025, directed the Assistant Commissioner and Assistant Registrar, Cooperative Societies, to take necessary action. He in turn, vide order dated 24.09.2025, directed the Additional District Cooperative Officer/Tehsil In-charge, Mawan-I, District Meerut, to convene a meeting of the Board of Directors under his supervision, in accordance with law, and to take all necessary action in respect of the no-confidence motion. The only document available on record is a letter dated 24.09.2025, which reflects the convening of a meeting authorizing the

Additional District Cooperative Officer/Tehsil In-charge, Mawan-I, District Meerut, but no letter/order convening the meeting dated 6.10.2025 is on record. The letter dated 24.09.2025 bearing no. 1032 of 2025 is extracted hereinbelow:

“कार्यालय सहायक आयुक्त एवं सहायक दिनांक निबन्धक, सहकारिता मेरठ।
पत्रांक- १०३२ / सह० विधि/2025-26 दिनांक २५ सितम्बर, 2025
श्री ओम प्रकाश
अपर जिला सहकारी अधिकारी / तहसील प्रभारी
मवाना प्रथम, मेरठ।

कार्यालय प्रभारी अधिकारी (जनता दर्शन) कलक्ट्रेट मेरठ के पत्रांक सं० 2515/स्वा० दिनांक 16.09.2025 के माध्यम से बी-पैक्स खजूरी, वि०ख० परीक्षितगढ जिला मेरठ के सभापति राजेश्वर के विरुद्ध समिति के अन्य संचालको द्वारा शपथ पत्रों के माध्यम से अविश्वास प्रस्ताव प्रस्तुत किया गया, जिस पर प्रभारी अधिकारी द्वारा नियमानुसार आवश्यक कार्यवाही करने के निर्देश निर्गत किये गये हैं।

उक्त क्रम में आपको निर्देशित किया जाता है कि आप अपने पर्यवेक्षण में नियमानुसार समिति संचालक मण्डल की बैठक आहूत कराकर अविश्वास प्रस्ताव पर आवश्यक कार्यवाही कराते हुये कृत कार्यवाही से अधोहस्ताक्षरी को अवगत करायें।

सहायक आयुक्त एवं सहायक निबन्धक,
सहकारिता मेरठ”

3.4. A copy of aforesaid order/letter dated 24.09.2025 was also endorsed to the Secretary of the Society. In compliance thereof, a meeting of the Managing Committee of the Society was convened on 06.10.2025, wherein the no-confidence motion was passed against the petitioner, removing him from the office of Chairman of the Society. In the same meeting, it was further resolved that Mr. Amit Tyagi, Director of the Society, would function as the Acting Chairman of the Society until fresh elections to the office of Chairman were held.

3.5. A further resolution was passed to forward the specimen signature of Mr. Amit Tyagi to the Bank along with the signature of the Secretary of the Society for the joint operation of the Bank account. The Bank, however, did not permit the operation of the account of the Society through the joint signatures of the Acting Chairman, Mr. Amit Tyagi, and the Secretary of the Society. This gave rise to a cause of action to Amit Tyagi (respondent no. 4 in Writ-C No. 34885 of 2026) to institute Writ-C No. 1256 of 2026, seeking the following relief:

“I) issue a writ, order or direction in the nature of mandamus, directing the respondent no.2, Branch Manager, Khajuri, District Cooperative Bank Limited, Meerut to operate the accounts of the society in question with joint signatures of petitioner no.1, Amit Tyagi as well Secretary of the Society.”

3.6. This Court, vide order dated 11.08.2026, passed an interim order permitting the Bank Account of the Society to be operated jointly under the signature of Mr. Amit Tyagi (Acting Chairman) and the Secretary of the Society, in accordance with the resolution of the Society dated 06.10.2025 coupled with the communication of the Assistant Registrar dated 21.11.2025.

3.7. In the meantime, Writ-C No. 34885 of 2026 has been instituted by the elected Chairman, challenging the resolution of no-confidence motion passed against him on 06.10.2025, as well as the order dated 19.08.2026 passed by respondent no. 3, Manager, District Cooperative Bank Limited, Meerut.

3.8. The order dated 19.08.2026 passed by the Branch Manager is in compliance with the interim order passed by this Court in Writ-C No. 1256 of 2026. The fate of Writ-C No.1256 of 2026 completely hinges upon the outcome of Writ-C No.34885 of 2026, wherein the resolution of the no-confidence motion itself is under challenge.

4. In the backdrop of the admitted facts, we proceed to examine the legal aspects of the matter to determine whether the no-confidence motion passed by the Directors of the Society can be sustained in the eyes of law.

SUBMISSIONS ADVANCED ON BEHALF OF THE PETITIONER

5. The learned Senior Advocate for the petitioner impeached the validity of the minutes of the no-confidence meeting primarily on two-fold grounds. The first contention is that the meeting so convened could not have been presided over or supervised by the Additional District Cooperative Officer/Tehsil In-charge, Mawana-I, District Meerut, as he is an officer of the Cooperative Department itself. It is submitted that although Rule 459 permits the nomination of a Gazetted Government servant to preside over the meeting of no-confidence, such nomination necessarily excludes an officer belonging to the department concerned,

namely, the Cooperative Department. According to learned Senior Advocate, the nomination of an officer of the Cooperative Department to preside over or supervise the no-confidence meeting is contrary to the mandate and object of Rule 459. It, therefore, vitiates the proceedings of the meeting.

6. The next submission of learned Senior Counsel is that the meeting of no-confidence was required, in law, to be convened by the competent statutory authority, namely, the District Magistrate, in terms of a conjoint reading of Rules 458 and 465 of the U.P. Co-operative Societies Rules, 1968. It is submitted that Rule 465 vests the requisite statutory authority in the District Magistrate where the head office of the concerned Co-operative Society is situated. According to learned Senior Counsel, the District Magistrate, being the authority contemplated under the statutory scheme, alone could have convened the meeting of no-confidence, and any meeting convened except by the said authority would be without jurisdiction and consequently vitiate the entire proceedings.

7. Learned Senior Counsel further submits that there has been a successive delegation and sub-delegation of the statutory power, which is wholly impermissible under the statutory scheme. It is contended that, instead of the District Magistrate, the In-charge Officer, Collectorate, initially entertained and acted upon the requisition for convening the no-confidence meeting and thereafter further delegated the said power to the Assistant Commissioner/Assistant Registrar, Cooperative Societies, who, in turn, sub-delegated the powers of the specified authority to the Additional District Cooperative Officer. Such successive delegation of power is contrary to the scheme, object and spirit of the U.P. Co-operative Societies Rules, 1968. It is, therefore, submitted that the entire exercise undertaken pursuant to such successive delegation, culminating in the convening and conduct of the no-confidence meeting by the Additional District Cooperative Officer, stands vitiated in law.

SUBMISSIONS ADVANCED ON BEHALF OF THE
RESPONDENT

8. Learned counsel for the respondents, in unison, submitted that all the Directors unanimously submitted the requisition and the no-confidence motion was also passed unanimously. The complaint of non-adherence/observance of the Rules is unfounded, as the petitioner has failed to demonstrate any prejudice caused to him. Thus, the instant writ petition may not be entertained in the equitable jurisdiction of this Court. It is further submitted that the alleged non-compliance of the Rules does not prescribe any consequence and, therefore, the same cannot be said to be mandatory.

ANALYSIS

9. To test the validity and correctness of the minutes of the meeting dated 06.10.2025, whereby the no-confidence motion was passed, it is expedient to refer to the relevant statutory provisions contained in the Rules, 1968.

10. Part VII of the Rules, 1968 deals with the removal of the Chairman or Vice-Chairman of a Society by a vote of no-confidence. The relevant provisions contained in Part VII of the Rules, 1968 are extracted hereinbelow: -

“Part VII

Removal of Chairman or Vice-chairman by Vote of No-Confidence.

455. No resolution expressing want of confidence in any person elected as Chairman or Vice-Chairman of a co-operative society shall

(a) be moved except in the manner laid down in these rules, and

(b) where twelve months have not elapsed after the date of his election as Chairman, or Vice-Chairman as the case may be, be moved except with the prior permission of the authority specified in Rule 465.

456. Notice for no-confidence motion shall be addressed to the authority specified in Rule 465 (hereinafter referred to as the "specified authority") stating clearly the grounds on which such motion is proposed to be moved and shall be signed by at least more than half of the members of the committee of management.

457. At least three members of the committee of management signing the notice of no-confidence motion shall personally present to the specified authority the notice together with an affidavit signed by them to the effect been made by the signatories after hearing or reading the contents of the notice.

458. (1) On receipt of the notice of no-confidence as provided in Rules 456 and 457, the specified authority shall fix such time, date and place, as he may consider suitable for holding a meeting for the purpose of consideration of the proposed no-confidence motion:

Provided that such meeting shall be held within thirty-five days' of the receipt of the notice of no-confidence:

Provided further that at least twenty-one days notice shall be given for holding such meeting.

(2) The notice for meeting under sub-rule (1), shall also provide that in the event of the no-confidence motion being duly carried, election of the new Chairman or Vice-Chairman, as the case may be, shall also be held in the same meeting.

459.(1) The specified authority shall also nominate any Gazetted Government Servant (other than an officer of the department which is concerned with supervision and administration of the society concerned) to act as a Presiding Officer of the meeting in which the resolution for no-confidence shall be considered.

(2) The quorum for such a meeting of the committee of management shall be more than half of the total number of members of the committee.

460. The resolution for no-confidence shall be deemed to be carried, if passed by a majority of two-third of total number of members of the committee of management.

461. When a resolution for no-confidence is carried, the Chairman or Vice-Chairman against whom it is carried shall cease to hold that office forthwith and shall be succeeded by his successor, who shall be elected by another resolution in the same meeting;

Provided that if the Vice-Chairman is elected Chairman, the Vice-Chairman shall be elected by another resolution in the same meeting.

462. Election of the new Chairman or Vice-Chairman as the case may be, under Rule 461, shall (notwithstanding other provisions of Chapter XXIX) be conducted in the meeting under the chairmanship of the Presiding Officer referred to in Rule 459 in the following manner

(a) the Chairman or Vice-Chairman as the case may be, shall be elected from amongst the members of the committee of management;

(b) nomination of candidates shall be proposed and seconded in the meeting itself, Election after withdrawal, if any, shall be held by show of hands;

(c) the election shall be held by simple majority of the members present in the meeting. In case of equality of votes, the matter shall be decided by drawing of lots;

(d) the proceeding of the meeting shall be signed by the Presiding Officer.

463. The new Chairman or Vice-Chairman elected under Rule 461 shall hold office only up to the remainder of the term of the Chairman or Vice Chairman removed by the vote of no-confidence.

464. If the motion for no-confidence fails for want of quorum or lack of requisite majority at the meeting, no subsequent meeting for considering the motion of no-confidence shall be held within six months of the date of the previous meeting.

465. The specified authority referred to in the rules of this part shall be District magistrate of the district where the headquarters of the society is situated.

(emphasis added)

11. Rule 458 contemplates that, upon receipt of a requisition of no-confidence as provided under Rules 456 and 457, the specified authority shall fix such time, date and place as he may consider suitable for holding a meeting for consideration of the proposed no-confidence motion, subject to the proviso that at least twenty-one days' notice shall be given for holding such meeting. The law casts a duty upon the District Magistrate, being the specified authority, to convene a meeting of no confidence against the chairman or vice chairman, as the case may be, with clear 21 days' notice for holding such meeting.

12. Since the District Magistrate is the specified authority under the rule, therefore none other than the District Magistrate is competent to convene the meeting of no-confidence by fixing a date, time and place; if any other authority/officer of State convenes such meetings, he would be *coram non judice*.

13. It is apposite to refer to Rule 455 of the Rules, 1968, which provides that no resolution expressing want of confidence in any person elected as Chairman or Vice-Chairman of a Cooperative Society shall be moved except in the manner laid down in the Rules. The statutory mandate, therefore, is that the procedure prescribed under Part VII of the Rules, 1968, is rigorously to be followed, failing which the proceedings undertaken in violation thereof would stand vitiated.

14. Non-adherence to the mandatory period of 21 days for convening the meeting was the subject matter of consideration before a Division Bench of this Court in **Surendra Kumar Yadav Vs. State of U.P. and others, 2017 (4) ESC 1626 (All) (DB) (LB)**. The said Division Bench decision illuminates the statutory provision contained in Rule 458(1) of the Rules, 1968. The Division Bench in **Surendra Kumar Yadav (supra)** held:

*“The main argument of the learned counsel for the petitioner is that in the absence of clear 21 days of notice the meeting scheduled to be held on 28th April, 2017 is clearly vitiated as it is not within the mandate of the second provision to Rule 458 (1) of the 1968 Rules. He submits that since there are no 21 clear days of notice, the same would be hit by a mandatory provision and for this the learned counsel for the petitioner has relied on a number of decisions relating to such provisions in other enactments as well. He has invited the attention of the Court to **the Full Bench (5***

Judges) decision in the case of Gyan Singh. Vs. District Magistrate, Bijnore: AIR 1975 Alld. 315, to urge that this part of the Rule being mandatory and having not been observed in accordance with the said Rules, the notice dated 7th April, 2017 is vitiated as there are only 20 days in between the date of issuance of the notice and the date of the proposed meeting to be held on 28th April, 2017.

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We have considered the aforesaid submissions raised that the issuance of notice is mandatory. The provisions of Rule 458 (1) and the provisos therein are akin to the provisions of Section 15 of the Section U.P. Kshetra Panchayat and Zila Panchayat Adhiniyam, 1961 where also in respect of a No-confidence-Motion against the Chairman requires the undertaking of a process of holding a meeting not later than 30 days from the date on which the notice was delivered by the members, and further the Collector is enjoined with the responsibility of issuing a notice to the members of not less than 15 days for holding the meeting of a No-Confidence Motion.

In the instant case, Rule 458 (1) second proviso requires at least 21 days of notice to the members. The learned standing counsel tried to draw a distinction between the words used in the two statutes namely, the 1961 Act and the 1968 Rules to contend that they being different in context, the exclusion of the two dates namely, that of dispatch and the date of meeting, in the present case may not be attracted. We are unable to accept this argument inasmuch as, the words, "not less than" and "at least" as used in the two statutes referred to above, do not convey a different meaning and the lowest common denominator that can be construed from a reading of both the phrases is that they mean, one and the same, that is the minimum period as described in the statute. Thus, the period of 21 days is the minimum period required for a gap between the date of the notice and the holding of the meeting. This period cannot be shrunk by any mathematical operation or legal interpretation as it would negate the very purpose of the Rules which give a breathing time between the issuance of the notice and the holding of the meeting for the members to get informed and prepare themselves for the said meeting. It is in effect a brooding period for the members to deliberate and make up their minds for taking a stand in the meeting. This should not necessarily mean to be a period for indulging in horse trading. The purpose of a minimum period is therefore clearly reflected in the statute and the same cannot be further reduced by the very use of the words therein. The Legislative intent is clear not to reduce the said gap below than what is prescribed. We cannot subtract something from the law under the cover of interpretation that allows us only "to iron out the creases and not weave a new texture."

The Office of the Chairman is that of a democratically elected leader. The Electorate that has elected the Chairman is different whereas those who are bringing about No-Confidence-Motion, are especially privileged to do so under the statutory provisions. The question of impeaching such an elected Chairperson therefore mandates that the procedure prescribed should be scrupulously followed in order to protect the nature of the Office, the occupant whereof should not be allowed to be dislodged on the asking of a few persons. This is also one of the reasons for making the provisions of holding the meeting of a No-confidence-Motion to be stringent and compulsive.

For this we are fortified in our view by a long line of decision that have been holding the field till now. Similar arguments in relation to parimateria provisions of the 1961 Act were considered in depth by a Division Bench of the High Court in the case of Kamla Devi. Vs. State of U.P. and others (Civil Misc. Writ Petition No.41077/2012) reported in [2014 (2) ADJ 327 (DB)] [Allahabad High Court]=2014 (3) AWC 3099 Alld.= 2014 (2) ESC 801 (Alld)=2014 (122) RD 701. The said Division Bench has noticed the Full Bench decision referred to hereinabove in the case of Gyan Singh (supra) and the other decisions as indicated in paragraphs 2, 20, 21, 27 to 29 that are extracted hereinunder:-

"2. The next step to be undertaken by the Collector is to give notice of not less than 15 days of such meeting in such manner as may be prescribed, to the elected members of the Kshetra Panchayat. The meeting has to be presided over by the Sub-Divisional Officer of the division concerned.

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20. Sri Shashi Nandan has relied on the following decisions to contend that 15 days clear notice is a mandatory provision and any meeting transacted without there

being such notice is a void meeting and any resolution passed thereunder is also invalid. The decisions are:-

- 1. Yadu Nath Pandey Vs. The District Panchayat Raj Officer, District Ballia, 1986 AWC Pg. 1004.*
- 2. Smt. Krishna Jaiswal Vs. State of U.P. & others, 2005 (2) AWC Pg. 1732.*
- 3. Satya Prakash Mani and others Vs. State of U.P. & others, 2005 (2) U.P. L.B.E.C. 1883.*
- 4. Phula Devi Vs. State of U.P. & others, 2004 (4) ESC 2385.*
- 5. Gyan Singh Vs. The District Magistrate, Bijnor and others, AIR 1975 Allahabad 315.*

21. He has further drawn support from the full bench decision in the case of Vikas Trivedi Vs. State of U.P. & Ors., Writ Petition No. 29907 of 2012 decided on 23.04.2013 and reported in 2013 (2) U.P. L.B.E.C. Pg. 1193.

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27. Coming to the issues relating to the compliance of the provisions of Section 15(3)(ii), the string of authorities as relied upon by the learned counsel for the petitioner and referred to hereinabove leave no room for doubt that a meeting held or proposed to be held in violation of a mandatory provision which requires 15 days clear notice would be invalid.

28. We have considered the ratio of the decisions that have been cited at the bar and we do not find any good reason to defer from the view already taken by several division benches as referred to hereinabove. One of the decisions, namely, Satya Prakash Mani (supra), has also taken into consideration the full bench decision of 1975 in the case of Gyan Singh (supra) as relied upon by Sri Tripathi counsel for the respondent. The decision in the case of Phula Devi (supra) has already held that the provisions are mandatory except for the manner in which the notice has to be sent. Thereafter in Paragraph 30 of the aforesaid judgment in the case of Satya Prakash Mani (supra) also holds that the requirement of 15 days notice is mandatory.

29. In the instant case, the dispute is not with regard to the proforma of the notice but the period of 15 days clear notice. The respondents have not been able to establish the dispatch of notice prior to 13.8.2012. The pasting of the notice has been clearly denied by the petitioner. In the circumstances, the contention raised that the requirement of 15 days clear notice had not been complied with deserves to be accepted on the facts of the present case."

The aforesaid decision of the Division Bench has again been followed by a Division Bench of this court in the case of Awadhesh Singh. Vs. State of U.P. through Principal Secretary Panchayat Raj and others (Writ Petition No. 7171 (M/B) of 2017), decided on 12.04.2017 which in turn has relied on a recent Full Bench decision of this Court in the case of Smt. Sheela Devi. Vs. State of U.P. and others [2015 (2) UPLBEC 1176.

The provisions therefore of at least 21 days notice in the second proviso to Rule 458 (1) of the 1968 Rules being parimateria is therefore mandatory for all the reasons aforesaid as the ratio and logic of the above mentioned decisions are clearly attracted and applicable in the present case.

The calculation of the period intervening in between is after excluding the date of issuance as well as the date of holding of the meeting. Learned counsel has invited the attention of the Court to the judgment of the Apex Court in the case of Jai Charan Lal. Vs. State of U.P. and others; AIR 1968 SC page 5. The gap of minimum number of days between the date of issuance of notice and the date of holding of the meeting has been held to be a necessary ingredient for being complied with by the authority, and consequently, we are of the opinion that the notice is short by one day.

Apart from this we also find that the first proviso to Rule 458 (1) also requires that the meeting shall be held within 35 days of the receipt of such notice.

Once we come to the conclusion that the period of 21 days has not intervened, then the meeting can be held only if a fresh proposal is made in this regard as any corrigendum now issued would not validate the notice that was initially bad.

Consequently, we allow this writ petition and quash the notice dated 07.04.2017. It shall be open to the members in case they still intend to move the No-Confidence-Motion to move a fresh proposal in accordance with law and in compliance of the Rule 458 of the 1968 Rules."

15. The second proviso appended to Rule 458 requires that 'at least 21 days' notice shall be given for holding meeting of no confidence. The crucial words are 'at least', which require some interpretation. The phrase 'at least' is synonymous with the phrase 'not less than'. To understand the true meaning and import of the phrase 'at least', we may refer to the Collins Dictionary, wherein its meaning/synonyms read as follows:

"at least"

(phrase), in the sense of "at the minimum"

Synonyms: not less than"

16. The phrase 'not less than', which is synonymous with the phrase 'at least', fell for consideration before the Supreme Court in **Jai Charan Lal Anal v. State of U.P. and Others**, 1967 SCC OnLine SC 288. The Supreme Court in **Jai Charan Lal Anal** (*supra*) shed light on the meaning and import of the term 'not less than' in the following words:

"5. The next contention is that the District Magistrate had to convene the meeting for the consideration of the motion on a date which was not earlier than thirty days from the date on which the notice under sub -section (2) was delivered to him. As the notice was delivered to the District Magistrate on October 26, the learned counsel contends that the date fixed for the meeting, namely, November 25 was earlier than thirty days because according to him the 30th day should be excluded in addition to the date on which the notice was handed. In other words, the learned counsel wishes to exclude both the terminal days i.e. October 26 and November 25 and wants to count thirty clear days in between. He contends that the expression "not earlier than thirty days" is equal to the expression "not less than thirty days" and, therefore, thirty clear days must intervene between the two terminal days. In support of his contention the learned counsel relies upon a ruling reported in Sm. Haradevi v. State of Andhra1 in which the expression "not earlier than three days", was equated to the expression "not less than three days" that is to say, three clear days. He also relies upon certain other rulings which deal with the expression "not less than so many days". In our judgment the expression "not earlier than thirty days" is not to be equated to the expression "not less than thirty days". It is no doubt true that where the expression is "not less than so many days" both the terminal days have to be excluded and the number of days mentioned must be clear days but the force of the words "not earlier than thirty days" is not the same. "Not earlier than thirty days" means that it should not be the 29th day, but there is nothing to show that the language excludes the 30th day from computation. In other words, although October 26 had to be excluded the date on which the meeting was to be called need not be excluded provided by doing so one did not go in breach of the expression "not earlier than thirty days.". The 25th of November was the 30th day counting from October 26 leaving out the initial day and therefore it cannot be described as earlier than thirty days. In other words, it was not earlier than thirty days from the date on which the notice under sub-section (2) was delivered to the District Magistrate. This reading is also borne out by the other expression

“not later than thirty-five days” which is used in the section. In this Court² the expression “not later than 14 days” as used in Rule 119 under the Representation of the People Act was held to mean the same thing as “within a period of fourteen days”. In that expression the number of days, it was held, should not exceed the number fourteen. In the sub-section we are dealing with the number of days that should not exceed thirty-five days. On a parity of reasoning not earlier than thirty days would include the 30th day but not the 29th day because 29th day must be regarded as earlier than thirty days. If the provision were “not earlier than thirty days and not later than thirty days” it is obvious that only the 30th day could be meant. This proves that the fixing of the date of the meeting was therefore in accordance with law and we respectfully disapprove of the view taken in the Andhra Pradesh case.

(Emphasis added)

17. The notice of no confidence motion has not been brought on record but the chronology of events demonstrates that the requisition for the no confidence motion was moved on 16.09.2025, upon which the in charge officer collectorate sub delegated the authority for convening the meeting and in compliance thereof, the order dated 24.09.2025 was passed by the Assistant Commissioner and Assistant Registrar **Cooperative societies further directing** the Additional District Cooperative Officer/Tehsil In-charge, Mawan-I, District Meerut, to convene a meeting of the Board of Directors under his supervision, in accordance with law, for tabelling the no-confidence motion. In compliance, the meeting was convened for 06.10.2025, and thus, even 21 clear days was not there before tabling the No Confidence Motion based on the written requisition expressing want of confidence. In any view of the matter, the clear 21-day period intervening between notice and tabling of no confidence could not, by any stretch of imagination, be said to have elapsed.

18. Since the notice of the no-confidence meeting fixing the date, time and place is not on record, the date of requisition expressing the want of confidence, i.e. 16.09.2025, and the date of the meeting, i.e. 06.10.2025, have to be considered. In the light of the expression ‘at least’, if both the terminal days are excluded, only 19 clear days intervene between the two dates. Thus, there was not even a gap of 21 days between the requisition expressing want of confidence and the date on which the no-confidence motion was tabled and the meeting held. There must be 21 clear days between the notice of no-confidence fixing the date, time and place of the meeting and the date of the meeting, excluding both the terminal days. Hence, the statutory authorities have

completely failed to follow the mandate of the Rules contained in Part VII of the Rules, 1968, insofar as the requirement of 21 days' clear notice for convening a meeting for the consideration of a motion of no-confidence is concerned.

19. It is clear as daylight that the proposed no-confidence motion was submitted to the specified authority, i.e., the District Magistrate, on 16.09.2025, whereas the meeting for consideration of the said motion was convened on 06.10.2025, which had only 19 clear days as the intervening period by excluding both terminal days keeping in mind the phrase used is 'at least'. Thus, the no-confidence motion was not considered in accordance with the statutory scheme contained in Part VII of the Rules, 1968.

20. The impugned minutes of the meeting dated 06.10.2025, whereby the no-confidence motion was passed against the petitioner, Rajeshwar, do not pass muster under the second proviso to Rule 458(1) of the Rules 1968, which mandates at least 21 days' notice before holding such a meeting.

21. The argument of respondent that the rules contained under Part VII of the Rules, 1968 are directory in character and their substantial compliance would suffice the interest of justice to sustain the no confidence motion.

22. To understand, whether a rule, or particular part of it is directory or mandatory in nature, we remind ourselves of certain authorities of the Supreme Court holding the field.

23. The Supreme Court, in **Lifestyle Equities C.V. and another Vs. Amazon Technologies Inc, (2026) 3 SCC 641**, particularly in paragraphs 58, 59 and 60 has laid down the principles required to be followed by a Court, while interpreting a provision of a statute. For ready reference, paragraph nos.58, 59 and 60 of the judgment in **Lifestyle Equities** (*supra*) are reproduced hereinbelow:

“58. The well-settled principles required to be followed by a court while interpreting a provision of a statute is that the intention of the legislature is primarily to be gathered from the language used, and consequently, a construction which results in rejection of words as

meaningless, has to be avoided. It is not a sound principle of construction to brush aside words or phrase in a statute as being inapposite surplusage if they can have appropriate application in circumstances conceivably within the contemplation of the statute. In interpretation of statutes, the courts always presume that the legislature inserted every part thereof for a purpose and the legislative intention is that every part of the statute should have effect. The legislature is deemed not to waste its words, or to say anything in vain. [See: Mithilesh Singh v. Union of India, reported in (2003) 3 SCC 309].

59. Similarly, in the case of Padma Sundara Rao v. State of Tamil Nadu, reported in (2002) 3 SCC 533, it was held that two principles of construction – one relating to casus omissus, and the other in regard to reading the statute as a whole appear to be well-settled. Under the first principle, the rule of casus omissus cannot be supplied by the court except in the case of clear necessity. The rule of casus omissus should not be readily inferred and for that purpose, all the parts of a statute or section must be construed together and every clause of a section should be construed with reference to the context of the statute and other clauses thereof, so that the construction to be put on a particular provision makes a consistent enactment of the whole statute. This would be more so, if literal construction of a particular clause leads to manifestly absurd or anomalous results, which could not have been intended by the legislature. Therefore, if the language is plain, there is no necessity of taking aid of external aid for gathering the real intention of the legislature.

60. Over and above, we should bear in mind the following well-known rule of interpretation of the statute reiterated by this Court in the case of Union of India v. Deoki Nandan Agarwal, reported in 1992 Supp (1) SCC 323:

“It is not the duty of the Court either to enlarge the scope of the legislation or the intention of the Legislature when the language of the provision is plain and unambiguous. The Court cannot rewrite, recast or reframe the legislation for the very good reason that it has no power to legislate. The power to legislate has not been conferred on the Courts. The Court cannot add words to a statute or read words into it which are not there. Assuming there is a defect or an omission in the words used by the Legislature the Court could not go to its aid to correct or make up the deficiency. Courts shall decide what the law is and not what it should be. The Court of course adopts a construction which will carry out the obvious intention of the Legislature but could not legislate itself. But to invoke judicial activism to set at naught legislative judgment is subversive of the Constitutional harmony and comity of instrumentalities.”

24. In the recent judgement of the Supreme Court in **S.P. Chandrakar Vs. State of Chhattisgarh & Ors, 2026 SCC OnLine SC 1444**, has reiterated that the language of the statute is the determinative factor to establish whether the rule or a part of the rule is mandatory or directory. The relevant paragraphs of **S.P.Chandrakar** (*supra*) read:

“12. In the ordinary sense, ‘shall’ is obligatory and ‘may’ is directory, but that is not a universal rule. In certain contexts, ‘shall’ can also be directory. In such a situation, the interpretation of the word ‘shall’ is what will determine the validity of these Rules.

12.1 A Constitution Bench in State of U.P. v. Manbodhan Lal Srivastava while interpreting the word ‘shall’ as used in Article 320 of the Constitution of India speaking through B.P. Sinha J. as he then was, held thus:

“12.... Hence, the use of the word “shall” in a statute, though generally taken in a mandatory sense, does not necessarily mean that in every case it shall have that effect, that is to say, that unless the words of the statute are punctiliously followed, the proceeding or the outcome of the proceeding, would be invalid. On the other hand, it is not always correct to say that where the word “may” has

been used, the statute is only permissive or directory in the sense that non-compliance with those provisions will not render the proceeding invalid. In that connection, the following quotation from Crawford on Statutory Construction—Article 261 at p. 516, is pertinent:

“The question as to whether a statute is mandatory or directory depends upon the intent of the legislature and not upon the language in which the intent is clothed. The meaning and intention of the legislature must (1957) 2 SCC 759 govern, and these are to be ascertained, not only from the phraseology of the provision, but also by considering its nature, its design, and the consequences which would follow from construing it the one way or the other...” 12.2 *In State of U.P. v. Babu Ram Upadhyaya*, a Constitution Bench was concerned with the nature of para 486 of the Police Regulations in connection with chapter XIV CrPC. K. Subba Rao J. in para 28 referred to various authorities and concluded in para 29 as follows:

“29. The relevant rules of interpretation may be briefly stated thus:

When a statute uses the word “shall”, prima facie, it is mandatory, but the Court may ascertain the real intention of the legislature by carefully attending to the whole scope of the statute. For ascertaining the real intention of the Legislature the Court may consider, inter alia, the nature and the design of the statute, and the consequences which would follow from construing it the one way or the other, the impact of other provisions whereby the necessity of complying with the provisions in question is avoided, the circumstance, namely, that the statute provides for a contingency of the non-compliance with the provisions, the fact that the non-compliance with the provisions is or is not visited by some penalty, the serious or trivial consequences that flow therefrom, and, above all, whether the object of the legislation will be defeated or furthered.” 12.3 *A Constitution Bench in Bhikraj Jaipuria v. Union of India*⁸ while referring to *Maxwell on Interpretation of Statutes*, observed as follows:

*“16. ... Where a statute requires that a thing shall be done in the prescribed manner or form but does not set out the consequences of non-compliance, the question whether the provision was mandatory or directory has to be adjudged in the light of the intention of the legislature as disclosed by the object, purpose and scope of the statute. If the statute is mandatory, the thing done not in the manner or form prescribed can have no effect or validity : if it is directory, penalty may be incurred for non-compliance, but the act or thing done is regarded as good. As observed in *Maxwell on Interpretation of Statutes*, 10th Edn., p. 376:*

“It has been said that no rule can be laid down for determining whether the command is to be considered as a mere direction or instruction involving no invalidating consequence in its disregard, or as imperative, with an 1960 SCC OnLine SC 5 1961 SCC OnLine SC 34 implied nullification for disobedience, beyond the fundamental one that it depends on the scope and object of the enactment. It may perhaps be found generally correct to say that nullification is the natural and usual consequence of disobedience, but the question is in the main governed by considerations of convenience and justice, and when that result would involve general inconvenience or injustice to innocent persons, or advantage to those guilty of the neglect, without promoting the real aim and object of the enactment, such an intention is not to be attributed to the legislature. The whole scope and purpose of the statute under consideration must be regarded.” Lord Campbell in *Liverpool Borough Bank v. Turner* [(1861) 30 LJ Ch 379] observed:

“No universal rule can be laid down as to whether mandatory enactments shall be considered directory only or obligatory with an implied nullification for disobedience. It is the duty of courts of justice to try to get at the real intention of the legislature by carefully attending to the whole scope of the statute to be construed.”

25. The use of the word ‘shall’ carries a *prima facie* obligation, which the Supreme Court accepted in **State of U.P. v. Babu Ram Upadhyaya, AIR 1961 SC 751**, while adding that the Court may still ascertain the real intention of the legislature from the nature and design of the statute and the consequences that would follow from construing the provision one way or the other.

26. In **P.T. Rajan v. T.P.M. Sahir, (2003) 8 SCC 498**, the Supreme Court put the same point without the hedge. Whether a statute is directory or mandatory, the Court held, does not depend on the use of the words “shall” or “may” and the question has to be posed and answered having regard to the purpose and object the provision seeks to achieve. The discussion also added a principle that settles a good many disputes almost construction, that a provision which is procedural in nature may not be held mandatory although it employs the word shall, if no prejudice is caused by the breach. ‘May’ is read as compulsory where the power it confers is coupled with a duty to exercise it, so that the person holding the power has no real freedom to withhold it and, in those circumstances, even the use of the word ‘may’ makes it mandatory.

27. The Constitution Bench of the Supreme Court have broken it down in **Raza Buland Sugar Co.Ltd. v. Municipal Board, Rampur, AIR 1965 SC 895**, held that the question cannot be resolved by laying down any general rule and depends on the facts of each case. It turns on the intent of the law-maker, gathered not only from the phraseology of the provision but also from the nature and design of the statute and from the consequences that would follow from construing it in one way or the other.

28. Thus, we find that the test is the intention of the legislature, as held by the Constitution Bench in **Raza Buland Sugar (supra)**. It has been held there that no general rule can be laid down for finding it, so the answer depends on the facts of each case. The factor that decides most disputes in practice is whether the statute

states a consequence for non-compliance and whether it confers any power to condone the breach. Where the both are present the provision is almost always mandatory.

29. Based on several authorities of this Court and the Supreme Court, it is clear that to find out if a particular provision is directory or mandatory one is required to locate any clause stating a consequence for the breach, ask further whether the statute confers any power to condone it, and ask whether the object of the legislation survives if the step is treated as skippable. A court will not read a consequence into an enactment that omits one, which is the position on *casus omissus*, and a legislature that wants a consequence usually writes it into a proviso or an explanation.

30. This Court, in **Gyan Singh Vs. D.M. Bijnor**, AIR 1975 All 315, later on followed in **Phula Devi Vs. State of U.P. & others**, 2004 (4) ESC 2385, says that the provisions contained in Part VII of the Rules, 1968, for removal of the Chairman or Vice-Chairman through a motion of no-confidence motion, are mandatory in nature, except for the manner in which the notice has to be sent.

31. A no-confidence motion strips a democratically elected office like a Chairman or Vice-Chairman; it may override a democratic mandate; the statutory procedure must be followed to the absolute letter. Even the rules that do not explicitly start with ‘No’ but contains rigid time are strictly enforced by the Courts as mandatory.

32. The Rule 464 begins with the expression, **‘no resolution expressing want of confidence in any person elected as chairman or vice chairman of a cooperative society shall be moved in a manner laid down in these rules’**. The aforesaid rule begins with word “No” and followed by the word ‘shall’ in the same line, indicates that rule is obligatory in its essence. When a clause in a rule or law starts with “No” (prohibitory clause), it makes the provision

mandatory rather than directory. In statutory interpretation, well-established jurisprudence holds that when a legislative provision is cast in negative language, it is strong indication that the provision is mandatory.

33. The petitioner has alleged violation of Rules 458, 459 and 465 of the Rules, 1968, which require that a no-confidence motion shall be tabled by fixing the time, date and place by the statutory authority (District Magistrate) and the meeting of no confidence shall be presided over by a Gazetted Government servant nominated by the specified authority therein. In all these rules, the term used is 'shall'. Thus, *prima facie* it is obligatory. But, when it is read with the prohibitory clause contained in Rule 464 starting with the term 'No' and reads as, '**no resolution expressing want of confidence in any person elected as chairman or vice chairman of a cooperative society shall be moved in a manner laid down in these rules**', the inquiry ends and no room of doubt left, that the rule is mandatory.

34. The second limb of the argument is that the District Magistrate, Meerut, is the specified authority in terms of Rule 465 of the Rules, 1968, which provides that "the specified authority referred to in the Rules contained in this Part shall be the District Magistrate of the District in which the headquarters of the Society is situated."

35. The headquarters of the Society is situated in District Meerut, which makes the District Magistrate, Meerut, the specified authority for convening a meeting for consideration of the no-confidence motion.

36. In the case in hand, admittedly, the In-charge Officer, Collectorate, Meerut (Janta Darshan), delegated the power to take decision on the requisition for the no-confidence motion to the Assistant Commissioner and Assistant Registrar, Cooperative Societies, Meerut, who in turn, directed the Additional District Cooperative Officer/Tehsil In-charge, Mawan-I, Meerut, to convene a meeting of the Board of

Directors of the Society under his supervision and to take a decision on the no-confidence motion, which is again a further sub-delegation.

37. Thus, in place of the specified authority, i.e., the District Magistrate, Meerut, the time, date and place for the meeting were fixed by the Additional District Cooperative Officer/Tehsil In-charge, Mawan-I, Meerut, which is in derogation of the statutory mandate carried in Rule 458(1) of the Rules, 1968.

38. The Additional District Cooperative Officer/Tehsil In-charge, Mawan-I, Meerut, not being the statutory authorities competent to convene the meeting and fix the time, date and place for consideration of the no-confidence motion, acted *coram non judice*, in view of the conjoint reading of Rules 458(1) and 465 of the Rules, 1968.

39. Black's Law Dictionary defines delegation as "*the act of entrusting another with the authority by empowering another to act as an agent or representative.*"

40. Similarly, in P. Ramanatha Aiyar's The Law Lexicon, delegation is described as "*the act of making or commissioning a delegate.*" Delegation generally signifies the parting with powers by the person granting the delegation, but it also refers to conferring authority to perform acts which the person would otherwise have to undertake himself.

41. In **Gwalior Rayon Silk Manufacturing (Wvg.) Co. Ltd. v. The Assistant Commissioner of Sales Tax and Others**, 1974 (4) SCC 98, the Supreme Court has elaborately and succinctly explained the concept of delegation. The relevant observations read:

"37. ... Delegation is not the complete handing over or transference of a power from one person or body of persons to another. Delegation may be defined as the entrusting, by a person or body of persons, of the exercise of a power residing in that person or body of persons, to another person or body of persons, with complete power of revocation or amendment remaining in the grantor or delegator. It is important to grasp the implications of this, for, much confusion of thought has unfortunately resulted from assuming that delegation involves or may involve, the complete abdication or abrogation of a power. This is precluded by the definition. Delegation often involves the granting of discretionary authority to another, but such authority is purely derivative. The ultimate power always remains in the delegator and is never renounced."

42. A general rule: whatever a person has the power to do himself, he may do by means of an agent. This broad rule is limited by the operation of the principle that a delegated authority cannot be re-delegated, attracting *delegatus non-potest delegare*. There is a presumption that he is required to do the act himself and cannot re-delegate his authority. As a general rule, *"if the statute directs that certain acts shall be done in a specified manner or by certain persons, their performance in any other manner than that specified or by any other person than one of those named is impliedly prohibited. Normally, a discretion entrusted by the Parliament to an administrative organ must be exercised by that organ itself.* At the same time, it is settled position of law that the maxim *"delegatus non-potest delegare"* must not be pushed too far. The maxim does not embody a rule of law. It indicates a rule of construction of a statute or other instrument conferring an authority. Prima facie, a discretion conferred by a statute on any authority is intended to be exercised by that authority and by no other. However, the intention may be negated by any contrary indications in the language, scope or object of the statute. The construction that would best achieve the purpose and object of the statute should be adopted.

43. In essence, it is essential that the delegated power should be exercised by the authority upon whom it is conferred and by no one else. The Supreme Court, in **Sahni Silk Mills (P) Ltd. and another v. Employees' State Insurance Corporation, reported in (1994)5 SCC 346**, has held:

"6. By now it is almost settled that the legislature can permit any statutory authority to delegate its power to any other authority, of course, after the policy has been indicated in the statute itself within the framework of which such delegatee is to exercise the power. The real problem or the controversy arises when there is a sub-delegation. It is said that when Parliament has specifically appointed authority to discharge a function, it cannot be readily presumed that it had intended that its delegate should be free to empower another person or body to act in its place. In Barium Chemicals Ltd. v. Company Law Board, AIR 1967 SC 295"

44. The Supreme Court in **Union of India & Ors. v. B.V. Gopinath, (2014) 1 SCC 352**, has also reiterated the settled principle governing delegation of powers. The Court observed that where a power has been specifically conferred upon a particular authority, such authority is

required to exercise the said power itself unless there is an express or implied authority permitting further delegation. The Court relied upon the well-known maxim *delegatus non potest delegare*, meaning that a delegate cannot ordinarily further delegate the power entrusted to him.

45. The principle is that when a discretionary power is vested in a particular authority, it must ordinarily be exercised by that authority and cannot be passed on to another person merely for administrative convenience, unless the law permits such delegation. The Supreme Court, therefore, emphasized that a delegate cannot further sub-delegate the power conferred upon him in the absence of authority to do so. The relevant remarks in **B.V Gopinath** (*supra*) read:

“43. Accepting the submission of Ms. Indira Jaising would run counter to the well known maxim delegatus non protest delegare (or delegari). The principle is summed up in “Judicial Review of Administrative Action” De Smith, Woolf and Jowell (Fifth Edition) as follows:-

“The rule against delegation A discretionary power must, in general, be exercised only by the authority to which it has been committed. It is a well-known principle of law that when a power has been confided to a person in circumstances indicating that trust is being placed in his individual judgment and discretion, he must exercise that power personally unless he has been expressly empowered to delegate it to another.” The same principle has been described in “Administrative Law” H.W.R. Wade & C.F. Forsyth (Ninth Edition), Chapter 10, as follows:-

“Inalienable discretionary power An element which is essential to the lawful exercise of power is that it should be exercised by the authority upon whom it is conferred, and by no one else. The principle is strictly applied, even where it causes administrative inconvenience, except in cases where it may reasonably be inferred that the power was intended to be delegable. Normally the courts are rigorous in requiring the power to be exercised by the precise person or body stated in the statute, and in condemning as ultra vires action taken by agents, sub-committees or delegates, however expressly authorized by the authority endowed with the power.”

(emphasis added)

46. It is clearly settled law that a delegated authority cannot further sub-delegate the power conferred upon it by statute unless the statute itself confers such power. Further sub-delegation is, moreover, wholly alien to the rule of law. In the case in hand, the authority conferred upon the District Magistrate, the specified authority under the Rules, 1968, was sub-delegated to the Assistant Commissioner and Assistant Registrar, Cooperative Societies, Meerut, who, in turn, further sub-delegated the same to the Additional District Cooperative Officer/Tehsil In-charge, Mawan-I, Meerut. Thus, it is a case of successive sub-delegation.

47. Neither the Act, 1965 nor the Rules, 1968 recognises any such sub-delegation. Unless such sub-delegation is expressly authorised by the statute or the Rules, any such sub-delegation would vitiate the entire proceedings relating to the no-confidence motion, as the same would not be in conformity with the statutory mandate contained in Part VII of the Rules, 1968.

48. The third limb of the argument advanced by the Learned Counsel for the petitioner is that the meeting to consider the no-confidence motion could not have been presided over by the Additional District Cooperative Officer, as he is an officer of the Cooperative Department. To buttress the aforesaid submission, the attention of this Court has been invited to Rule 459 of the Rules, 1968, which mandates that the “specified authority” shall also nominate a Gazetted Government Servant, other than an officer of the department concerned with the supervision and administration of the Society concerned, to act as the Presiding Officer of the meeting in which the resolution of no-confidence is to be considered.

49. Thus, the meeting of the Committee of Management, having been presided over by the Additional District Cooperative Officer, an officer of the Cooperative Department, was contrary to the statutory mandate contained in Rule 459 of the Rules, 1968.

50. Statutory procedure contemplated under the rules cannot be bypassed and is required to be rigorously followed. It is trite law that where the law prescribes a procedure for doing a thing, the thing has to be done in that manner alone, and other ways are necessarily forbidden. In the instant case, exercise under Section 16 is necessarily to be followed as a consequence of the order passed under Section 126 of the Act, 1965. This principle has been echoing in the horizon of jurisprudence for a very long time, not only in this country but virtually in the whole of the world, wherever there is an establishment managed under a Constitution having the theme of an independent judiciary. As far back as the year 1936 in the case of **Nazir Ahmad Vs. King-Emperor**,

AIR 1936 Privy Council 253, the Privy Council had held that a thing required to be done in a particular way has to be done in that way and the other ways are forbidden. This principle has consistently been accepted and adopted by the Indian courts, including the Supreme Court, in a catena of decisions, such as **State of U.P. Vs. Singara Singh, AIR 1964 SC 358** and **Prabha Shanker Dubey Vs. State of M.P, (2004) 2 SCC 56**.

51. A Bench of the Supreme Court comprising three Hon'ble Judges, in **Bhavnagar University Vs. Palitana Sugar Mill Pvt. Ltd. & others, (2003) 2 SCC 111**, has held that when a statutory authority is required to do a thing in a particular manner, the same must be done in that manner. In this case, the Supreme Court in paragraph 40 has held hereinbelow:

“40. The statutory interdict of use and enjoyment of the property must be strictly construed. It is well settled that when a statutory authority is required to do a thing in a particular manner, the same must be done in that manner or not at all. The State and other authorities while acting under the said Act are only creature of statute. They must act within the four corners thereof.”

52. The precedents of constitutional Courts are consistent in this regard. (see: *Taylor Vs. Taylor, (1876) 1 Ch.D.426; Nazir Ahmad Vs. King Emperor, AIR 1936 PC 253; Deep Chand Vs. State of Rajasthan, AIR 1961 SC 1527; Patna Improvement Trust Vs. Smt. Lakshmi Devi, AIR 1963 SC 1077; State of Uttar Pradesh Vs. Singhara Singh & Ors., AIR 1964 SC 358; Nika Ram Vs. State of Himachal Pradesh, AIR 1972 SC 2077; Ramchandra Keshav Adke Vs. Govind Joti Chavare & Ors., AIR 1975 SC 915; Chettiam Veettil Ammad Vs. Taluk Land Board & ors., AIR 1979 SC 1573; State of Bihar Vs. J.A.C. Saldanna, AIR 1980 SC 327; A.K. Roy & Anr. Vs. State of Punjab & Ors, (1986) 4 SCC 326; State of Mizoram Vs. Biakchhawna, (1995) 1 SCC 156; J.N.Ganatra Vs. Morvi Municipality Morvi, AIR 1996 SC 2520; Babu Verghese & ors. Vs. Bar Council of Kerala & ors., (1999) 3 SCC 422 and Chandra Kishore Jha Vs. Mahavir Prasad, JT, (1999) 8 SCC 266.*

53. In **Commissioner of Income Tax, Mumbai v. Anjum M.H. Ghaswala, (2001) 1 SCC 633**, a Constitution Bench of the Supreme Court reiterated the above principle by observing hereinbelow:

“It is a normal rule of construction that when a statute vests certain power in an authority to be exercised in a particular manner then the said authority has to exercise it only in the manner provided in the statute itself.”

54. The minutes of the meeting dated 06.10.2025, insofar as they record the passing of the no-confidence motion against the elected Chairman/petitioner, cannot be sustained in law. Firstly, the mandatory requirement of 21 clear days' notice, as prescribed under the second proviso to Rule 458(1) of the Rules, 1968, was not complied with. Secondly, the Additional District Cooperative Officer, being an officer of the Cooperative Department, could not have acted as the Presiding Officer of the meeting, in view of the statutory mandate contained in Rule 459 of the Rules, 1968.

55. The most shocking procedural lapse that is discernable in dealing with the no-confidence motion in question is that the specified authority, i.e., the District Magistrate, failed to comply with the statutory mandate contained in Part VII of the Rules, 1968. Firstly, he failed to convene the meeting himself and, instead, sub-delegated the authority conferred upon him. The aforesaid lapses constitute a manifest error of law.

56. The Chairman of a cooperative society is democratically elected. The Electorate that has elected the Chairman is different, whereas those who are bringing about a no-confidence motion are especially privileged to do so, under the statutory provisions. The question of impeaching such an elected Chairperson therefore mandates that the procedure prescribed should be scrupulously followed in order to protect the nature of the Office, the occupant whereof should not be allowed to be dislodged on the asking of a few persons without strictly adhering to the procedural safeguards envisaged under Rules of 1968. This is also one of the reasons for making the provisions relating to the consideration of a No-confidence-Motion to be stringent and compulsory.

57. The District Magistrate, Meerut, having failed to act as the specified authority by convening the meeting for consideration of the no-confidence motion and fixing its date, time and place and instead,

sub-delegating his powers to the Assistant Registrar, who, in turn, further sub-delegated the powers of the specified authority to the Additional District Cooperative Officer/Tehsil In-charge, Mawan-I, Meerut, the impugned resolution passing the no-confidence motion, as well as appointing the Acting Chairman, cannot be sustained in law. Accordingly, in exercise of our writ jurisdiction, we quash the impugned resolution passed in the meeting dated 06.10.2025.

58. Further, the order dated 19.08.2026 passed by respondent no. 3 also loses its foundation, as the resolution passing of the no-confidence motion has been quashed. Consequently, the order dated 19.08.2026 is also quashed.

59. The writ petition is accordingly **allowed** in the aforesaid terms. There shall be no order as to costs.

60. It shall be open to the members/directors, in case they still intend to move the no-confidence motion, to do so by way of a fresh requisition in accordance with law and in conformity with Part VII of the Rules, 1968, by adhering to the time schedule.

61. In view of the order passed in the instant writ petition, i.e., Writ-C No. 34885 of 2026, nothing survives for adjudication in Writ-C No. 1256 of 2026.

62. Accordingly, Writ-C No.1256 of 2026 is consigned to records.

(Indrajeet Shukla,J.) (J.J. Munir,J.)

September 17, 2026

s.p.