
Ganpatbhai M. Solanki Vs District Collector, Vadodara and another

Spl. Leave Petition (C) No. 6456 of 1997

Court: Supreme Court of India

Date of Decision: March 27, 1997

Acts Referred:

Gujarat Co-operative Societies Act, 1961 " Section 74

Citation: AIR 1997 SC 2273 : (1997) AIRSCW 2144 : (1997) 4 JT 558 : (1997) 3 SCALE 507 : (1997) 9 SCC 612 : (1997) 3 SCR 391 : (1997) 4 Supreme 23

Hon'ble Judges: K. Ramaswamy, J; G. B. Pattanaik, J

Bench: Division Bench

Advocate: Anant Palli, Mahesh Agarwal, Atul Sharma and C. Agarwala, for the Appellant;

Final Decision: Dismissed

Judgement

K. Ramaswamy and G.B. Pattanaik, JJ.

The controversy involved in this case relates to the term of the offices of the President and the

Vice-President of the Board of the Committee. It is not in dispute that the election to the Baroda District Cooperative Milk Producers' Union Ltd.

was held on June 24, 1982 and thereafter proviso to Section 74 of the Gujarat Cooperative Societies Act was amended on July 17, 1984

providing for the rule of rotation in the matter of retirement of the members. Subsequently, the election to the Committee was held on May 18,

1994. A meeting was convened by the Collector for election of the President and the Vice-President. Calling that action of the Collector, the

petitioner had filed a writ petition which was dismissed. On appeal, viz., L.P.A. No. 473/97, by Judgment dated February 25, 1997, the Division

Bench has confirmed the same.

2. It is contended for the petitioner that u/s 74-C reads with Sub-section (2) of Section 145 of the Gujarat Cooperative Societies Act, the term of

the Committee is three years and, therefore, the term of the President and the Vice-President is co-terminus with the terms of the Committee. As a

consequence, the notice issued by the Collector to conduct the meeting for electing the President and the Vice-President is without authority of

law. We find no force in the contention.

3. It is true that u/s 74-C read with Section 145(2), the term of the elected Committee is three years but the bye-law 40.1 provides thus :

The first meeting of the Board of Directors after the Annual General Meeting shall be called within one month of the Annual General Meeting. All

the members of the Boards present at its meeting shall elect its President and Vice-President for the year and the President and Vice-President

shall hold the office until a new President or Vice-President as the case may be is/are elected.

4. A reading of it clearly indicates that the first meeting of the Board of Directors, after the Annual General Meeting shall be called by the Collector

within one month of the Annual General Meeting. Thereon all the members of the Board as would be present at its meeting shall elect its President

and Vice-President for the year and the President and Vice-President shall hold the office until a new President or Vice-President as the case may

be is/are elected.

5. Thus it is clear that though the terms of the Committee is three years, the term of the President or Vice-President, as the case may be, elected at

the meeting of the Board of Directors, shall be only for one year until the new President or Vice-President, as the case may be, is elected again.

The Collector has been conferred with the power to call the meeting to elect the President/Vice-President in accordance with the bye-laws. His

action, therefore, is in accordance with law. The SLP is accordingly dismissed.