



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.7872 OF 2026

Satish Manjabapu Naik

... **PETITIONER**

Versus

1. The Secretary,
Maharashtra State Cooperative Election Authority,
Pune, Maharashtra State.
2. The District Cooperative Election Officer,
(District Central Cooperative Bank, Ahilyanagar)
& Divisional Joint Registrar, Cooperative Societies,
Nashik Division, Nashik.
3. The Chief Executive Officer,
Ahmednagar District Central Cooperative Bank
Limited, Ahilyanagar, Tq. and Dist: Ahilyanagar.
4. The District Deputy Registrar,
Cooperative Societies, Ahilyanagar.
5. The Assistant Registrar,
Cooperative Societies, Shrirampur

... **RESPONDENTS**

...

Mr. Ajeet B. Kale for Petitioner
Mr. Vitthal H. Dighe, Advocate for Respondent Nos. 1 and 2
Mr. P.S. Dighe h/f. Mr. V.R. Dhorde, Advocate for Respondent No. 3
Mr. S.R. Wakale, AGP for Respondent Nos.4 and 5.

...

**CORAM : NITIN B. SURYAWANSHI AND
ABASAHEB D. SHINDE, JJ.**

RESERVED ON : 31.08.2026

PRONOUNCED ON : 11.09.2026

FINAL ORDER (PER: ABASAHEB D. SHINDE, J.) :

1. By this writ petition filed under Article 226 of the Constitution of India, the petitioner has put forth the following main prayers :

- “(B) To issue a Writ of Certiorari or any other appropriate writ, order, or direction, quashing and setting aside the impugned Election Communication dated 15.06.2026 and the Circular dated 16.06.2026 as ultra vires the Maharashtra Co-operative Societies Act, 1960 and the Election Rules, 2014, and declare the same as illegal, arbitrary, null and void, and contrary to the provisions of law.*
- (C) To declare that the Respondent Authorities, including the Maharashtra State Cooperative Election Authority and the District Cooperative Election Officer, have no power or authority to interpret the provisions of the Maharashtra Co-operative Societies Act, 1960 or to create new qualifications or disqualifications beyond what is expressly provided in the Act, and that the impugned Notification is bad in law.*
- (D) To direct the Respondent Authorities to follow the Bye-laws of the Bank and the provisions of the MCS Act, 1960 and the Election Rules, 2014 in letter and spirit.”*

2. The petitioner who claims to be a member of one Undirgaon Pragat Bagaytdar Vividh Karyakari Society, (for short, ‘the said Society’) is challenging the communication dated 15.06.2026 issued by respondent No.2-District Co-operative Election Officer and the circular dated 16.06.2026 issued by respondent No.1- Maharashtra State Cooperative Election Authority, which prescribes the procedure for nomination of delegates by member societies for the ensuing elections of respondent No.3- District Central Co-operative Bank (for short “the Respondent No.3/Bank”). According to the petitioner, the impugned communication and circular are contrary to the provisions of Section 27 (10) read with Section 73 CA of the Maharashtra Co-operative Societies Act, 1960 (for the sake of brevity hereinafter referred to as

‘the Act of 1960’).

3. Learned counsel for the petitioner submits that, respondent Nos.1 and 2 have usurped the power by issuing the said circular, thereby laying down the qualification and disqualification of the delegates to be nominated. He submits that the qualification and disqualification can only be prescribed under the statute and not by way of a circular. He further submits that, by virtue of the impugned circular, the member society or the members of its Managing Committee committing default would be indirectly permitted to participate in the election process. He, therefore, urged that the impugned communication and circular being *ultra vires* of the Act of 1960 and the Maharashtra Co-operative Societies (Election to Committee) Rules of 2014 deserves to be struck down.

4. Per contra, learned counsel appearing for respondent Nos. 1 and 2 at the outset, raises a preliminary objection to the maintainability of this Writ Petition at the instance of the petitioner, *inter alia* contending that the petitioner cannot be said to be an aggrieved person as the Society of which, he claims to be a member has not challenged the impugned communication and the circular. On the contrary, the said society has nominated its delegate pursuant to the impugned circular. The petitioner therefore, has no *locus standi* to file the present Writ

Petition.

5. Learned counsel for Respondent Nos.1 and 2 further submits that, taking into consideration the fact that most of the primary societies are defaulters, in order to ensure that the member societies of a federal society like that of a respondent No.3 Bank do not go unrepresented, by the impugned circular the individual member of the member society, who is not a defaulter is permitted to act as a delegate of the said society. The said exception has been carved out only in respect of a Primary Agricultural Credit Co-operative Society. He thus submits that, the impugned circular is in consonance with the provisions of Section 73 CA (1)(i)(f) (i) to (iii) of the Act of 1960 and the orders/guidelines issued by respondent No.1 dated 10.12.2019 which are in vogue. He, therefore, urged that the Writ Petition is devoid of any substance and therefore, the same deserves to be dismissed.

6. We have heard learned counsel for the petitioner, learned counsel appearing for respondent No.2, learned AGP for respondent – State and learned counsel appearing for respondent No.3 at length and perused the record.

7. It would not be out of place to mention here that, the petitioner is espousing a cause claiming to be a member of the said society,

however, he has neither pleaded in the Writ Petition nor has placed on record any resolution of the said society thereby authorizing the petitioner to file the present Writ Petition.

8. It would not be out of place to mention here that the said society is deliberately not made a party respondent in the Writ Petition, on the contrary as stated above, the said society has accepted and acted upon the impugned circular and has nominated Viresh Bhausaheb Galande as its delegate for representing the said society in the ensuing elections of respondent No.3/Bank. It is also pertinent to note that out of 1414 member societies, 1367 have nominated names of their delegates to respondent No.2. In short, nearly 1367 member societies have accepted the impugned circular. The petitioner is neither a member nor a voter of the respondent No.3 Bank. No prejudice is shown to have been caused to him. Therefore, the Writ Petition at his instance is not maintainable.

9. Section 73 CA which provides for disqualification, reads thus :

“[73 CA]. [Disqualification of committee and its members.]

[(A1)

(1)

(i)

(a)

[(f) in the case of District Central Co-operative Bank or of the State Co-operative Bank, a member, if he,-

(i) is a person who represents a society other than a primary agricultural credit co-operative society on the board of a District Central Co-operative Bank or the State Co-operative Bank, if the society to whom he represents has committed a default towards the payments of such Bank for a period exceeding ninety days;

(ii) is a person who is a defaulter of a primary agricultural credit co-operative society or is an office bearer of a defaulting primary agricultural co-operative credit society;

(iii) is a person who represents a society whose Managing Committee is superseded.]”

10. A bare perusal of the aforesaid provision would make it clear that Section 73 CA (1)(i)(f)(i), carves out an exception to an individual member of Primary Agricultural Credit Co-operative Society from being disqualified irrespective of whether the said society to which he represents is a defaulter. We, therefore, find that the impugned circular is in consonance with the aforesaid provisions.

11. The election process of respondent No.3/Bank has already commenced on 19.08.2026 with the publication of the provisional voters' list, including the delegates of the member societies. The last date for filing objections to the provisional voters list was 31.08.2026 and the final voters' list would be published on 15.09.2026. We thus find that since, the election process has already commenced and the preparation of provisional voters' list being an intermediate stage in the election process, this Court cannot interfere with the same in the

light of dictum of the Hon'ble Apex Court in *Shri Sant Sadguru Janardan Swami (Moingirid Maharaj) Sahakari Dugdha Utpadak Sanstha and Ors. vs. State of Maharashtra and Ors.*, reported in AIR 2001 SC 3982 and in *Shaji K. Joseph vs. Viswanath and Ors.*, reported in (2016) 4 SCC 429.

12. In our considered view, the Writ Petition being devoid of any substance deserves to be dismissed. Accordingly, the Writ Petition is dismissed.

(ABASAHEB D. SHINDE, J.)

(NITIN B. SURYAWANSHI, J.)