

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR**

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5259 OF 2026

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|---------------|--|------------------------------------|
| 1. | Sanjay Harishchandra More
Age: 45 years, Adult, Occupation: Agriculture
R/o. Ughad, Taluka Mahabaleshwar,
District Satara, Maharashtra - 412806 |]
]
]
]...Petitioner
] |
| Versus | | |
| 1. | The State Co-operative Election Authority,
Maharashtra State, Pune - 411001, through Its
Commissioner/Secretary |]
]
]
] |
| 2. | The District Co-operative Election Officer, Satara
and District Deputy Registrar,
Co-operative Societies, Satara – 416416 |]
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]
] |
| 3. | The Election Returning Officer,
Sataraa District Central Co-operative
Bank Ltd., Satara – 416416 |]
]
]
] |
| 4. | Smt. Rupali Rajendra Rajpure,
R/o. Khingar, Taluka Mahabaleshwar,
District Satara – 412806 |]
]
]
] |
| 5. | The Satara District Central Co-operative
Bank Ltd., Satara – 416416
Through its Managing Director/
Chief Executive Officer. |]
]
]
]
] |
| 6. | Prathmik Krushi Purvatha Vikas
Through its Secretary,
Tal – Mahabaleshwar, Dist – Satara – 412806 |]
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]
] |
| 7. | The State of Maharashtra
AGP Office, High Court
Circuit bench Kolhapur – 416001 |]
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]
]...Respondents |

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*Adv. Pradeep Dalvi a/w Adv. Rahul Khot i/b Adv. Nitin Nikam, for
Petitioner.*
Adv. Ruturaj R. Pawar, for Respondent Nos.1 to 3.
Adv. Louis S. Shah i/b Adv. Rushabh D. Phade, for Respondent Nos.4.
Adv. Dilip Bodake a/w Adv. Sharad T. Bhosale, for Respondent No.5.
*Adv. Kirankumar Phakade a/w Adv. Shweta Phakade & Adv. Arjun
Mohite, for Respondent No.6.*
Adv. Ravi Kadam, 'B' Panel Counsel for the Respondents-State.
.....

CORAM : SHAILESH P. BRAHME, J.

RESERVED DATE : 12th OCTOBER, 2026.
PRONOUNCED DATE : 14th OCTOBER, 2026.

JUDGMENT :

Heard.

2. The petitioner is assailing order dated 05.10.2026 passed by the respondent No. 2 overruling the objections of the petitioner raised to the nomination of the respondent No. 4.

3. The election process of the respondent No. 5 - Federal Society, i.e. the Satara District Central Co-operative Bank is underway. The respondent No. 4 was nominated to represent the respondent No. 6 Society, which is objected by the petitioner on the ground that she had no experience of the work, the experience certificate was bogus and she is not a member of Society. She is stated to be ineligible. Accordingly, the submissions are advanced by the counsel for the petitioner criticizing the impugned order. It is additionally submitted that there is

violation of Bye-law No. 2A as it is undisputed that respondent No. 4 was enrolled on 01.04.2025.

4. Per contra, the counsel appearing for the respondent No. 4 and the counsel for the other respondents would submit that there was no specific objection regarding violation of Bye-law No. 2A. The petition involves disputed questions of facts. It is submitted that cogent material was placed on record to show that proper resolution was passed for enrolling her as member on 01.04.2025. It is submitted that respondent No. 4 was having experience of more than one year and she is rightly held to be eligible.

5. Learned Counsel, Mr. Ruturaj Pawar, appearing for the Returning Officer would submit that no documents were placed before the Returning Officer in support of the objection by the petitioner. Considering the material placed on record, the objections are overruled. The reliance is placed on the judgment of the Co-ordinate Bench of this Court in the matter of *Murlidhar Rangrao Gaikwad versus State Co-operative Election Authority & Ors.*¹

6. At the outset, it is necessary to deal with the preliminary objection raised by the respondents for entertaining the petition when election process is underway. The objections are overruled by the impugned order passed under Rule 25 of the Maharashtra Co-operative

¹ 2025 SCC OnLine Bom 893.

Societies (Election to Committee) Rules, 2014 (hereinafter referred to as “the Rules of 2014” for the sake of convenience and brevity). As per the election programme, the stage is withdrawal of nomination up to 21.10.2026. The allotment of symbol is scheduled on 22.10.2026.

7. This Court is conscious of the fact that interference after the commencement of election process has to be to further the process and to ensure its conclusion smoothly. I am guided by the principles laid down by the Hon’ble Supreme Court in the case of *Rajan Dinkarrao Pharate & Ors. Versus State of Maharashtra & Ors.*² and the judgment of the Division Bench of this Court in case of *Dattatray Genaba Lole & Ors. Versus Divisional Joint Registrar, Cooperative Societies & Ors.*³. It is permissible to cause indulgence under Article 227 of the Constitution of India without disturbing the further stages of the election process, if any glaring illegality is avoided or defect is rectified.

8. The objection of the petitioner that there is violation of Bye-law No. 2-A was not specific. The objection was raised for the eligibility of the respondent No. 4 on account of forged experience certificate. Those are met out by the respondent No. 4 producing documents regarding passing of resolution, payment of shares and admission fees. It is unequivocally stated in the reply to the objection, which is further reiterated in the submissions that respondent No. 4 was enrolled on

² 1997(1) Mh.L.J.

³ (2021) 2 High Court Cases (Bom) 612.

01.04.2025.

9. The following is the governing Bye-law, which is 2A(1) to (5):

"२ अ) निवडून येणाऱ्या संचालकांचे जागेसाठी उमेदवारी करणारी व्यक्ती -

१) प्रतिनिधीत्व करीत असलेली संस्था पोटनियम क्र. ४२ मधील तरतुदीनुसार क्रियाशील सभासद असावी व प्रतिनिधीत्व करीत असलेली व्यक्ती अशा संस्थेची क्रियाशील सभासद असावी व ती व्यक्ती अशा संस्थेची किमान २ वर्ष सभासद असली पाहिजे.

२) किमान एक वर्ष कोणत्याही सहकारी संस्थेच्या व्यवस्थापक समितीवर काम केलेले असली पाहिजे.

३) जो प्रतिनिधी संचालक मंडळाच्या निवडणुकीत भाग घेऊ इच्छित आहे तो महाराष्ट्र सहकारी संस्था अधिनियम १९६० व नियम १९६१ मधील तरतुदीनुसार अपात्र असता कामा नये.

४) बँकेच्या सभासद संस्था ज्या बँकेच्या संचालक मंडळाच्या निवडणुकीमध्ये भाग घेऊन इच्छित असतील व त्यासाठी आपला प्रतिनिधी पाठविणार असतील अशा संस्था महाराष्ट्र सहकारी कायदा कलम २७ (३) मधील तरतुदीनुसार पात्र असणे आवश्यक आहे.

५) प्रतिनिधीत्व करीत असलेली संस्था निवडणूकीलगत. "अ" अगर "ब" ऑडिट वर्ग धारण करीत

असलेली पाहिजे."

10. The objection of the petitioner in letter and spirit was to the eligibility of the respondent No. 4. The Returning Officer is obliged to examine as per Rule 25(2) of the Rules of 2014 as to whether the candidate is disqualified for being chosen to fill the seat by or under the Act, the Rules and the Bye-laws. The Bye-law No. 2A(1) is conveniently overlooked by the Returning Officer, which is brazen illegality. The date of enrollment is not disputed. There is total non-application of mind. It is overlooked that Returning Officer has *suo motu* powers under Rule

25(2) to examine the eligibility of a candidate. If the apparent illegality committed in the impugned order is overlooked, then the illegality would be perpetuated.

11. I find that a case is made out to allow the petition. The respondent No. 6 - Society has chosen ineligible member and the defect is substantial in nature. The writ petition deserves to be allowed without causing any interference in the election process.

12. The writ petition is allowed in terms of prayer Clauses 'a' and 'b'.

[SHAILESH P. BRAHME, J.]

13. After pronouncement of judgment, the learned counsel, Mr. Louis Shah, appearing for Respondent No. 4 in the petition prays for suspension of the operation of the judgment for a period of 15 days so as to enable his client to approach the Apex Court.

14. The request is opposed by the counsel appearing for the petitioners.

15. The matter pertains to the interim orders passed by the Returning Officer in the election process. The election process is under way and, therefore, the matter is heard urgently and decision is rendered. Hence, I am not inclined to grant the relief. It stands rejected.

[SHAILESH P. BRAHME, J.]