

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3909 OF 2015

Diksal Vividh Karyakari Seva
Society, Diksal, tq.Parner
Dist. Ahemadnagr & another

Petitioners

Versus

The State of Maharashtra and others

Respondents

Mr. V.N. Shelke advocate for the petitioners
Mr. S.G. Karlekar, AGP for Respondent Nos.1, 3, 4, 5
Mr. V.R. Dhorde advocate for respondent No.6
Mr. S.K. Kadam advocate for respondent No.2

CORAM : R.M. BORDE &
V.K. JADHAV, JJ

Dated : 7th April, 2015.

PER COURT :-

1 The petitioner is praying for issuance of directions to the respondents to include the name of the society, in the final list of voters, prepared for the purpose of election of District Central Cooperative bank.

2 It is not a matter of dispute that, the earlier Managing Committee of the Society, did not send name of representative to the Election Officer, as contemplated by Rule 10(2) of the Maharashtra Cooperative Societies (Election to Committee) Rules, 2014 and as such name of the society was not included in the provisional list of voters. It is the contention of the petitioner that, the elections to the managing committee were held in the month

of February, 2014 and thereafter the society tried to send the name of the delegate to the Election Officer, which was not accepted. The petitioner relies upon provisions of Rule 10 to contend that, the name of the delegate can be included in the list of voters. Sub-rule 4 of Rule 10 is in respect of change in the name of the representative and it is permissible to change the name of the representative only in case of death of the representative or where there is a newly elected committee of the member society, not later than five days before the date of making nomination. In the instant case, the name of the society itself, is not included in the list of voters and as such, there is no question of changing the name of the representative. Permission to change the name in subrule 4 of Rule 10 presupposes that, the name of the society was appearing in the provisional or final list of voters. In the instant case, the name of the society itself is not appearing in the provisional or final list of voters and as such, there is no question of change in the name of delegate as contended by the petitioner.

3 The petition is devoid of substance and hence stands dismissed.

(V.K. JADHAV, J)

(R.M.BORDE, J)