

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

WRIT PETITION NO. 4241 OF 2015

Sow Meena W/o Ashok Kothari,
Age: 47 years, Occ. Household,
R/o Kothari Niwas, Station Road,
Vaijapur, Tq. Vaijapur,
Dist. Aurangabad.

...PETITIONER

versus

1. The Returning Officer,
Vardhaman Nagari Sahakari
Patsanstha Ltd. Vaijapur,
District Aurangabad.

And

Assistant Registrar, Co-operative
Societies, Tq. Vaijapur, Dist. Aurangabad.

2. Vardhaman Nagari Sahakari
Patsanstha Ltd. Vaijapur,
Tq. Vaijapur, District Aurangabad
Through its Manager,

3. Sow Surekha W/o Ajay Sancheti,
Age: Major, Occ. Household,
R/o Tilak Road, Vaijapur,
Tq. Vaijapur, Dist. Aurangabad

...RESPONDENTS

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Mr. K.J. Suryawanshi, Advocate for Petitioner

Mrs.S.G.Chincholkar, A.G.P. For respondent No. 1

Mr. A.D. Kasliwal, Advocate for respondent No.2

Mr. N.D. Sonwane, Advocate for respondent No. 3

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CORAM : SUNIL P. DESHMUKH, J.

DATED : 17th APRIL, 2015

ORAL JUDGMENT :-

1. Rule. Rule made returnable forthwith and heard finally with consent of learned counsel for the parties.

2. In view of appearance caused by learned counsel Mr. Sonwane for respondent No. 3, objection with regard to non-payment of Bhatta (Process Fees) does not survive.

3. Basic ground taken by the petitioner, objecting to the nomination of respondent No. 3 for election to the Board of Directors of Respondent No. 2 - *Vardhaman Nagari Sahakari Patsanstha Ltd. Vaijapur*, District Aurangabad, is that she is defaulter of some other society, namely, *The Vaijapur Merchants Co-operative Bank Ltd. Vaijapur*.

4. According to learned Assistant Government Pleader from the original record in respect of candidature of respondent No. 3 containing application/objection to the nomination of respondent No. 3 dated 31-03-2015, the copy of which is annexed at Exhibit-B to the petition, it is apparent that no material of whatsoever nature had been placed on record in support of the objection. In

view of the same, the election officer had passed the order rejecting objection and accepting nomination of respondent No. 3.

5. Having regard to aforesaid, no fault can be found with acceptance of nomination of respondent No. 3 by the election officer.

6. The writ petition, as such, is devoid of any substance and stands dismissed. Rule stands discharged. No costs.

7. However, dismissal of writ petition would not be an impediment for the petitioner, if she desires to challenge the election of respondent No. 3 on other grounds, including the grounds of objection as have been taken before election officer, if occasion for the same arises.

Sd/-

(SUNIL P. DESHMUKH, J.)

MTK