

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

**WRIT PETITION NO. 4225 OF 2015**

Rupesh Babulal Sancheti,  
Age: 36 years, Occ. Business,  
R/o Marwadi Galli, Tq. Vaijapur,  
Tq. Vaijapur, Dist. Aurangabad. ...PETITIONER

versus

1. The State of Maharashtra,  
Through The District Deputy  
Registrar, Co-Operative Societies  
Aurangabad.
2. The Returning Officer,  
Vardhaman Nagari Sahakari Patsanstha  
Ltd., Vaijapur, Dist. Aurangabad  
And  
Assistant Registrar, Co-operative  
Societies, Tq. Vaijapur, Dist. Aurangabad
3. Vardhaman Nagari Sahakari Patsanstha  
Ltd., Vaijapur, Tq. Vaijapur, Dist.  
Aurangabad, through its Manager.
4. Surendra S/o Badarmal Sancheti,  
Age: 51 years, occu. Business,  
R/o Marwadi Galli, Vaijapur,  
Tq. Vaijapur, Dist. Aurangabad. ...RESPONDENTS

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Mr. K.J. Surywanshi , Advocate for Petitioner  
Mr. V.G. Shelke, A.G.P. for respondents No. 1 and 2.  
Mr. A.D. Kasliwal, Advocate for respondent No. 3  
Mr. A.D. Shinde, Advocate for respondent No. 4 - Caveator.

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**CORAM : SUNIL P. DESHMUKH, J.**

**DATED : 15<sup>th</sup> APRIL, 2015**

ORAL JUDGMENT :-

1. Rule. Rule made returnable forthwith and heard finally with consent of learned counsel for the parties.
2. The petitioner is before this court who is/was admittedly working as valuer for respondent no. 3 - *Vardhaman Nagari Sahakari Patsanstha Ltd., Vaijapur, Ta Vaijapur Dist. Aurangabad*. Taking into account section 73CA (1) (vi) of the Maharashtra Societies Act, 1960, petitioner's nomination had been rejected. Appeal therefrom before appellate authority also failed.
3. Mr. Suryawanshi, learned counsel for petitioner submits that petitioner had not received any emolument for the work done from respondent No. 3 and the emoluments are payable by customer of respondent No. 3 – Society and as such petitioner cannot be termed as holder of office of profit.
4. Mr. Kasliwal, learned counsel appearing for respondent No. 3 and Mr. Shinde, learned counsel appearing for respondent No. 4 have different version than the one canvassed by learned counsel for petitioner. It is being submitted by them that since emoluments are payable to the petitioner/valuer, it is a office of profit held by him and as such petitioner stands disqualified and hence his disqualification would seldom be liable to be interfered

with as all the questions being agitated, are questions of facts and can hardly be dealt with in present petition.

5. Taking into account rival submissions and concurrent orders passed by the Election Officer and appellate authority, several disputed questions emerge, having regard to impugned orders, it would not be proper to be entertained in present writ petition, and as such, the same is dismissed. Rule stands discharged.

6 However, it is left open for the petitioner to agitate his grievance before appropriate authority at appropriate stage including in an election petition.

Sd/  
( **SUNIL P. DESHMUKH, J.**  )

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