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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4231 OF 2015

Balaji Ramrao Desai

PETITIONER

VERSUS

The State of Maharashtra & others

RESPONDENTS

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Mr.R.N.Dhorde, Sr.Advocate i/b Mr.V.R.Dhorde, Adv. for petitioner

Mr. V. G. Shelke, AGP for respondent State

Mr. Sachin S. Deshmukh, Advocate for respondent No.3

Mr. S. S. Jadhavar, Advocate for respondent No.5

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 23rd APRIL, 2015

ORDER :

1. Heard Mr. R. N. Dhorde, learned senior advocate appearing for the petitioner. He submits that acceptance of nomination of respondent No.4 for election to the Board of Directors of Parbhani District Central Co-operative Bank Limited, is improper and nomination of respondent No.4 ought to have been rejected, for, the society, which he purports to represent in the federal society, is a defaulter society and that audit report of said society for the two financial years from 2011 to 2013 are of category "D". He, therefore, submits that respondent No.4 is ineligible to contest elections to the board of directors of the federal society.

2. Learned advocates for the respondents have other version

about the same, referring to that along with the nomination, audit report for the year 2013-14 depicting that category of the same is "B" was submitted and further that Chief Executive Officer of Parbhani District Central Co-operative Bank has communicated that the concerned society is not a defaulter society.

3. Mr. Dhorde, learned senior advocate though purports to rely on various documents annexed to the petition, yet looking at the nature of inquiry contemplated at the stage of acceptance of nomination, in my estimate, the election officer, as is required, has gone by the documents showing eligibility of respondent No.4. Veracity or otherwise of said documents could not have been probed into at this stage by the election officer.

4. Having regard to aforesaid, I do not deem it appropriate to unsettle the acceptance of nomination of respondent No.4, at this stage. Writ petition, as such, stands rejected leaving it open for the petitioner to adopt appropriate measures questioning the legality of acceptance of nomination of respondent No.4 at appropriate stage, including election petition.

[SUNIL P. DESHMUKH, J.]