

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4371 OF 2015

Kanhegaon Vividh Karyakari
Seva Sahakari Sanstha, Hingoli
and another

... Petitioners

versus

State Co-operative Election Authority,
Aurangabad and others

... Respondents

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Mr.R. N. Dhorde, senior advocate i/b Mr. Vasant N. Shelke, Advocate
for Petitioner
Mrs. S.G. Chincholkar, Asstt. Govt. Pleader for respondent No. 1 to 4
Mr. V. P. Latange, Advocate for respondent no. 7

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CORAM : SUNIL P. DESHMUKH, J.
DATE : 24th APRIL, 2015

ORDER :-

1. Petitioner no.2 who is a representative of petitioner no.1 Kanhegaon Vividh Karyakari Seva Sahakari Sanstha, Kanhegaon purports to object to acceptance of nomination of respondent no.7 representating Killewadgaon Vividh Karyakari Seva Sahakari Society Limited for contest in scheduled elections to the federal society, namely, Parbhani District Central Co-operative Bank.
2. Central thrust of the objection, being raised by Mr. Dhorde learned senior advocate is that the audit report of respondent no. 6- society on which reliance is sought to be placed by respondent no. 7 is of 'C' category for the year 2009-2013 and as such, respondent

no. 7 would not be eligible to participate in the election by filing his nomination. Mr. Dhorde purports to rely on several other documents annexed to writ petition. He further objects to audit report for the period 2013-14 showing its category to be 'B' on the ground that it is not prepared by authorized auditor and his name does not figure in the list approved by the co-operative department.

3. Mr. Latange, learned counsel appearing on behalf of respondent no. 7, submits that the objections by petitioners are unsustainable for want of sound foundation, for, the objection on the ground that audit report for the period 2009-13 being of 'C' category is vacuous since that reflects only the position as was subsisting at the initiation of making report and not at its concluding end. Final report shows that it was of 'B' category.

4. Mr. Latange points out that objection to audit by unauthorized auditor is without substance, for, auditor from the list of auditors of respondent no. 7 had indicated his disability and inability to conduct audit for the period 2013-14 of respondent no.6-society. Under the circumstances, respondent no. 4 had applied to the Registrar for audit by an authorized auditor. However, there was no response and as such, audit was conducted through present auditor empanelled by the department. Mr. Latange has placed reliance on certain documents for the same.

5. In the face of situation as above and considering the scope of the enquiry required at the stage of scrutiny of nomination, the election officer appears to have taken into account that the documents which have been annexed with nomination paper depict that respondent no. 6 society's audit report is of 'B' category. In such circumstances, further probe at this stage was not expected by the election officer.

6. In view of above, I am not inclined to interfere with the order passed by the election officer.

7. Writ petition, as such, is not being entertained and stands rejected.

(SUNIL P. DESHMUKH, J.)

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