

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 4450 OF 2015**

Surendra S/o Badarmal Sacheti,
Age: 49 years, Occ. Business,
R/o Marwadi Galli, Vaijapur,
District Aurangabad.

...PETITIONER

versus

1. The Returning Officer,
Vardhaman Nagari Sahakari
Patsanstha Ltd. Vaijapur, Tq.Vaijapur,
District Aurangabad.
And
Asst Registered of Co-operative
Societies, Tq. Vaijapur, Dist. Aurangabad.
2. District Deputy Registrar,
Co-operative Societies,
District Aurangabad.
3. Vardhaman Nagari Sahakari
Patsanstha Ltd. Vaijapur,
Tq. Vaijapur, District Aurangabad
Through its Manager,
4. Rajesh S/o Babula Sancheti,
Age: 42 years, Occ. Business,
R/o Sancheti Jewelers Tilak Road,
Vaijapur, Tq. Vaijapur,
District Aurangabad

...RESPONDENTS

Mr. N.D. Sonwane, Advocate for Petitioner
Mr.V.G. Shelke, A.G.P. For respondents No. 1 and 2

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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. Basic ground taken by the petitioner, objecting to the nomination of respondent No. 4 for election to the Board of Directors of Respondent No. 3 - *Vardhaman Nagari Sahakari Patsanstha Ltd. Vaijapur*, District Aurangabad, is that he has three children and it is evident that the third child is born on 14-07-2006 which is after the cut off date of September, 2001.
3. According to learned Assistant Government Pleader from the original record in respect of candidature of respondent No. 4 containing the application/objection by petitioner to the nomination of respondent No. 4 dated 31-03-2015, the copy of which is annexed at Exhibit-A to the petition, it is apparent that no material whatsoever had been placed on record supporting the objection. In view of the same, the election officer appears to have passed the order rejecting objection and accepting nomination of respondent No. 4.

4. Having regard to aforesaid, no fault can be found with acceptance of nomination of respondent No. 4 by the election officer.

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

6. However, dismissal of writ petition would not be an impediment for the petitioner, if he desires to challenge the election of respondent No. 4 on other grounds, including the grounds of objection as have been taken before election officer, before appropriate forum at appropriate stage including in an election petition, if occasion for the same arises.

Sd/-

(SUNIL P. DESHMUKH, J.)

MTK