

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

WRIT PETITION NO. 4786 OF 2015

Prataprao S/o Hari Patil,
Age 59 years, Occ. Agriculture,
R/o Amadde, Tq. Bhadgaon,
District Jalgaon.

...PETITIONER

versus

1. The Divisional Joint Registrar,
Co-operative Societies, Nashik
Division, Nashik.
2. The Returning Officer for the
Election of Jalgaon District
Central Co-Operative Bank Ltd.
Jalgaon, District Jalgaon.
3. The Jalgaon District Central
Co-operative Bank Ltd.
Jalgaon, District Jalgaon,
Through its Managing Director
4. Nanasaheb Babanrao Deshmukh,
Age: 75 years, Occ. Agriculture,
R/o Deshmukh Wada, Bhadgaon,
Tq. Bhadgaon, District Jalgaon.

...RESPONDENTS

.....

Mr. A.D. Shinde, Advocate holding for
Mr. Ashwin V Hon, Advocate for Petitioner
Mr. D.R. Kale, A.G.P., for respondents No. 1 and 2
Mr. R.N. Dhorde, Senior Advocate instructed by
Mr. V.R. Dhorde, Advocate for respondent No. 4.

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

DATED : 24th APRIL, 2015

ORAL JUDGMENT :-

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

2. The petitioner contends that requisite audit report bearing class "B" for the financial year 2014-2015 had been filed along with nomination papers, however, with erroneous interpretation that audit report for financial year 2013-2014, is required to be considered with respect to concerned bye-laws, the application has been wrongly rejected by the election officer under order dated 10-04-2015. The order was taken by the petitioner in the appeal and with similar analogy the appeal had been dismissed on 22-04-2015. Thus, the petitioner is before this court placing interpretation on word "लगतचे".

3. Learned Senior Advocate Mr. R.N. Dhorde appearing for respondent No. 4 submits that election process begins with declaration of provisional voters list which was published in December, 2014 and in such a case year 2013-2014 as has been considered by the election officer and appellate authority is proper. As against this, learned counsel Mr. Shinde appearing on behalf of petitioner submits that the Maharashtra Co-operative Societies Act refers to co-operative year from 1st April of the calender year to 31st March of subsequent calender year. In such a case, election programme having been declared on 04-04-2015, the word "लगतचे" should have been given its true due and an proper construction it would mean the period upto 31st March, 2015, preceding the date 4th April, 2014.

4. There is yet another ground, namely, the election officer has rejected the nomination of petitioner also on ground of him being representative of a defaulter/borrower and in such a case he incurred disqualification under Section 73 CA (1) (i) (f)(ii) of the MCS Act.

5. Learned counsel for the petitioner vehemently submits that his client had resigned from said society, but election officer has considered that there is no resignation though record to that effect had been placed before him for showing acceptance of petitioner's resignation. Appellate authority has maintained the order passed by the election officer.

6. However, taking into account that a lot of disputed questions arise in writ petition, I am not inclined to interfere with orders passed.

7. Writ Petition, as such, is not being entertained and stands dismissed. Rule stands discharged. No costs.

8. However, it would be open for the petitioner to take up appropriate proceedings against rejection of his nomination at proper stage, including an election petition.

Sd/-

(SUNIL P. DESHMUKH, J.)