

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO. 4863 OF 2015

Jaywantrao Amrutrao Patil,  
Age 64 years, Occ. Agriculture  
R/o. Donwade, Tq. Chopda  
District Jalgaon

...Petitioner

versus

1. Maharashtra State Co-operative  
Election Authority  
Through its Secretary,  
having office at Old Central  
Building Ground Floor,  
Pune 411 001

2. The Returning Officer-cum-  
Sub Divisional Officer, Jalgaon  
District Jalgaon, having office at  
District Collector, Jalgaon for the  
Elections of the Jalgaon District  
Central Co-operative bank Ltd.  
Jalgaon

...Respondents

.....  
Mr. Vinod P. Patil, advocate for the petitioner  
Mrs. A.V. Gondhalekar, AGP for respondents  
.....

**CORAM : R. M. BORDE AND  
V. K. JADHAV, JJ.**

**DATED : 27<sup>th</sup> APRIL, 2015**

**JUDGMENT (PER R.M. BORDE, J.) :-**

1. Heard.

2. Rule. Rule returnable forthwith. By consent of parties, petition

is taken up for final disposal at admission stage.

3. The grievance of the petitioner is that the petitioner is member of Vividh Karyakari Seva Sahakari Society, Chopda. The petitioner during process of election to the managing committee of the society tendered two nomination papers from two different categories i.e. O.B.C and General with a view to contest the elections for the post of member of managing committee. The petitioner was successful in persuading the Returning Officer to permit him to withdraw one nomination paper from O.B.C. category and accordingly permission was accorded. However, so far as the second nomination paper presented by him as General category candidate is concerned, although he tendered withdrawal application at 2.59 p.m. his application was not entertained and he was not permitted to withdraw his nomination paper. The petitioner contends that as per the programme published by the Election Officer, the date and time for withdrawal prescribed is 10.4.2015 to 24.4.2015 from 11.00 a.m. to 3.00 p.m. on each date. The petitioner contends that on 24.4.2015, before prescribed time, he tendered an application, which was received by the Returning Officer and as such there was no reason for the Returning Officer to reject the application for withdrawal of nomination paper tendered by the petitioner, from General category.

4. It is informed, on instructions, by the learned A.G.P. appearing for the respondents, that the Returning Officer has allotted symbols and the ballot papers have not yet been printed.

5. In the circumstances, instant petition for issuance of directions to the Returning Officer to permit the petitioner to withdraw his nomination paper as candidate from General category deserves to be allowed and the same is accordingly allowed. The nomination paper tendered by the petitioner shall be permitted to be withdrawn. By issuing such directions to the Returning Officer, the ongoing process of election has not been impeded.

6. Rule is accordingly made absolute. There shall be no order as to costs.

7. Registry to issue authenticated copy of this order to the requesting party.

**( V. K. JADHAV, J.)**

**( R. M. BORDE, J. )**

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