

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2975 OF 2015**

Santosh Laxman Bhosale	..Petitioner
Vs.	
The State Election Commission & Ors.	..Respondents

**WITH
WRIT PETITION NO.2976 OF 2015**

Vijay Baban Bhosale	..Petitioner
Vs.	
The State Election Commission & Ors.	..Respondents

**WITH
WRIT PETITION NO.2977 OF 2015**

Jaysingh Mahadu Kharadkar	..Petitioner
Vs.	
The State Election Commission & Ors.	..Respondents

**WITH
WRIT PETITION NO.2978 OF 2015**

Harishchandra Pralhad Bhosale	..Petitioner
Vs.	
The State Election Commission & Ors.	..Respondents

**WITH
WRIT PETITION NO.2979 OF 2015**

Krishna Arjun Bhosale	..Petitioner
Vs.	
The State Election Commission & Ors.	..Respondents

**WITH
WRIT PETITION NO.2980 OF 2015**

Lahuraj Eknath Bhosale	..Petitioner
Vs.	
The State Election Commission & Ors.	..Respondents

**WITH
WRIT PETITION NO.2981 OF 2015**

Vitthal Bhagwan Kanase	..Petitioner
Vs.	
The State Election Commission & Ors.	..Respondents

**WITH
WRIT PETITION NO.2982 OF 2015**

Niwas Vitthal Bhosale	..Petitioner
Vs.	
The State Election Commission & Ors.	..Respondents

**WITH
WRIT PETITION NO.2983 OF 2015**

Vilas Bhagwan Bhosale	..Petitioner
Vs.	
The State Election Commission & Ors.	..Respondents

**WITH
WRIT PETITION NO.2984 OF 2015**

Shankar Dattu Yadav	..Petitioner
Vs.	
The State Election Commission & Ors.	..Respondents

**WITH
WRIT PETITION NO.2985 OF 2015**

Kakaso Shamrao Kanase	..Petitioner
Vs.	
The State Election Commission & Ors.	..Respondents

Mr. D.D.Rananaware for the Petitioners
Mrs. Vaishali Nimbalkar AGP for the Respondent No.1 and 2

CORAM : R. M. SAVANT, J.
DATE : 25th MARCH, 2015

P.C.

1 The above Writ Petitions take exception to the orders all dated 16-3-2015 passed by the Assistant Registrar, Co-operative Society, Koregaon, by which orders, the Appeals filed by the Petitioners against the rejection of their nomination forms by the Returning Officer for the elections to be held to the Velu Primary Agricultural Credit Society, Velu Tal. Koregaon, District Satara, came to be rejected.

2 The Petitioners were proposing to contest the elections from the General Borrower Members Constituency. There are 8 seats available in the said category. The objection to the nominations of the Petitioners above named was on account of their proposer having not subscribed to the shares of the said society to the extent required by the bye laws of the said society. The Returning Officer accordingly rejected the nominations filed by the Petitioners. The said rejection was as indicated above was challenged by the Petitioners by filing Appeals before the Assistant Registrar who has been designated as the Election Authority under Section 73CB of the said Act, in so far as the said society is concerned. The said Appeals filed by the Petitioners came to be dismissed by the Assistant Registrar inter alia on the ground that the Petitioners have not complied with Section 21(1) of the said Act, the second ground is that in so far as the proposer Arvind Bhosale is concerned, he holds shares only to the extent of Rs.40/- which indicates that he has not even

subscribed to the minimum shares of the said society and also that the said Arvind Bhosale has not taken any loan from the society on account of which he is a non borrower member.

3 A reading of the statutory provisions especially Rule 21 of the Election to Committee Rules 2014, discloses that the nomination paper has to be signed by the candidate and by two voters of his constituency one of who shall be a proposer and other the seconder, meaning thereby that the proposer and the seconder have to be from the category of General Borrower Members. In the instant case, it is an undisputed fact that the said Arvind Bhosale has not borrowed any loan from the society, in fact the said Arvind Bhosale has not even subscribed to the minimum shares which are required to be subscribed in so far as the said society is concerned. Hence the Returning Officer as well as the Election Authority were right in holding that the nominations of the Petitioners were required to be rejected.

4 Apart from the said fact it is also required to be noted that the election programme is at the fag end where what remains only is voting which is to take place on Friday i.e. 27-3-2015. In that view of the matter, no case for interference in the Writ Jurisdiction of this Court is made out. The Writ Petitions are accordingly dismissed.

[R.M.SAVANT, J]