

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3523 OF 2015**

**Arjun Sadashiv Yadav
Vs.**

..Petitioner

The State of Maharashtra & Ors.

..Respondents

**WITH
WRIT PETITION NO.3524 OF 2015**

**Gulabrao Ramchandra Kale
Vs.**

..Petitioner

The State of Maharashtra & Ors.

..Respondents

**Mr. Sanjeev Kadam for the Petitioner in both the Petitions
Mr. S. D. Rayrikar AGP for the Respondent Nos.1 to 3 in both the Petitions**

**CORAM : R. M. SAVANT, J.
DATE : 10th APRIL, 2015**

P.C.

1 The above Petitions take exception to the identical orders dated 23-3-2015 passed by the District Co-operative Election Officer of the Satara District Central Co-Operative Bank i.e. the Respondent No.4 herein, by which order the application dated 5-3-2015 made by the Petitioners for inclusion of the name of their representatives in the final voters list, came to be rejected.

2 It is not necessary to go into unnecessary details. Suffice it to state that the Petitioners above named are the Chairmen of the Co-operative Societies which are members of the Respondent No.4 Bank which societies are entitled to participate in the elections to the Board of Directors by nominating

a delegate for the said purpose. It seems that the District Co-operative Election Authority in terms of Rule 10(3) had fixed the date of 20-2-2015 for the members to intimate the names of their delegates. The said date was thereafter extended to 2-3-2015. The said societies did not intimate the names of the delegates by the said date and it is only on 5-3-2015 that the said societies intimated the names of their delegates and sought their inclusion in the final list of voters. The said application has been rejected only on the ground that the names were sent after the last date got over i.e. 2-3-2015 which was also the extended date. As indicated above, the Respondent No.4 Bank is an "A" class society which has various primary societies as its members from the District. The said societies are such societies who are its members and who are entitled to send their delegates to participate in the elections to the Board of Directors of the Respondent No.4 i.e. The Satara District Central Co-operative Bank.

3 In my view, the District Co-operative Election Officer has taken a highly technical view of the matter. The endeavour ought to have been to see to it that the members are given an opportunity to participate in the elections of the Board of Directors and ought to have been more against depriving the members of such participation. The Learned AGP states that the second phase of the programme has been announced on 14-4-2015 and the election process or the programme is at the stage where the last date of filing of nomination is

over. Upon this the Learned Counsel for the Petitioners states that the Petitioners are not interested in filing their nomination and are only interested in voting at the election. Statement accepted.

4 In my view, the interest of justice would be served if the impugned order dated 23-3-2015 is quashed and set aside and direction is issued to include the names of the said societies along with their delegates in the final list of voters. In view of the statement made by the Learned Counsel for the Petitioners, the said delegates would not be entitled to file their nomination and would only be permitted to vote. With the aforesaid directions, the Writ Petitions are disposed of.

[R.M.SAVANT, J]