

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.6570 OF 2015

**The Nashik District Central Co-operative
Bank Limited and another**

.. Petitioners

Versus

**The District Co-operative Election
Officer/Divisional Joint Registrar,
Co-operative Societies, Mumbai Division,
Mumbai and others**

.. Respondents

Shri. P. N. Joshi i/by Shri. V. V. Salunke, for the Petitioners.

Shri. S. D. Rayrikar, AGP for the Respondent No.1.

CORAM : R.M. SAVANT, J.

DATE : 21st JULY, 2015

PC.

1. The rejection of the nomination form of the Petitioner No.2 by the District Co-operative Election Officer by order dated 29.06.2015 is taken exception to by way of the above Petition. The said rejection is on the touchstone of Rule 10(4) of the Maharashtra Co-operative Societies Rules, 2014. The said Rule postulates that a change by way of inclusion of the name of the delegate has to be sought five days prior to the last date for filing of the nominations. In the instant case, the last date for filling of the nominations was 29.06.2015 and therefore, the last day for seeking a change would be 24.06.2015.

2. In the instant case, it is required to be noted that the elections to the Board of Directors of the Petitioner Bank which is a District Central Co-operative Bank took place on 19.05.2015. The newly elected Board held its first meeting on 03.06.2015, on which day the board elected its Chairman and Vice Chairman. Thereafter in the meeting held on 25.06.2015 a decision was taken as regards sending the representative of the Petitioner No.1 Bank to participate in the election of the Respondent No.3 herein which is an Apex Bank of the Urban and District Banks in the State. A resolution was passed in favour of the Petitioner No.2 appointing him as the delegate of the Petitioner Bank and communicated to the authorities on 26.06.2015 which is obviously beyond 24.06.2015 which would be the cut off date in terms of Rule 10(4) of the said Rules.

3. Notwithstanding the fact that the name of the Petitioner No.2 was not appearing in the voters list, the Petitioner No.2 filed his nomination for contesting elections from the constituency known as Central Financial Banks, Nashik Division for which there is one seat i.e. one person is to be elected to the Board of the Respondent No.3. The said nomination as indicated above has been rejected on the ground that the inclusion of the name of the Petitioner No.2 was not sought within the time frame as stipulated in Rule 10(4). In my view, though the Petitioner's nomination for contesting the election has been rejected having regard to

the facts of the present case where the Board of the Petitioner came to be constituted pursuant to the elections which were held on 19.05.2015 and also having regard to the fact that the Petitioner should not go unrepresented and be allowed to participate in the affairs of the Respondent No.3 which is the Apex Bank, as also having regard to the stage at which election programme is at present, it would be just and proper to permit the Petitioner No.2 to vote in the said elections, but would not be entitled to contest the elections. The Respondent Nos.1 and 3 are accordingly directed to include the name of the Petitioner No.2 in the voters list, but it is clarified that the Petitioner would not be entitled to contest the elections and order rejecting his nomination would accordingly stand confirmed. With the aforesaid directions, the Writ Petition is disposed of.

[R.M. SAVANT, J]