

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 3246/2015

(SAWARGADH ADIVASI VIVIDH KARYAKARI SANSTHA, SAWARGADH & ANOTHER **VERSUS**
 THE DIVISIONAL JT. REGISTRAR-CUM-DISTRICT COOPERATIVE ELECTION OFFICER, NASIK &
 OTHERS)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri V. Kulsange, counsel for the petitioner.
 Shri N.R. Rode, A.G.P. for the R-1 to 3.

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATE : SEPTEMBER 7, 2015.

By this petition, the petitioners seek a direction to the respondent no.2-Election Officer to forthwith forward the proposal in respect of the nomination of the petitioner no.2 for participation in the election to the respondent no.4-Corporation.

The petitioner no.1 is a society registered under the provisions of the Maharashtra Cooperative Societies Act, 1960 and the petitioner no.2 is a member of the petitioner no.1-Society. It was informed through a public notice by the respondent no.1-Divisional Joint Registrar on 23.02.2015 that the election to the post of members of the managing committee of the respondent no.4-Corporation would be held and the members should submit their proposals for inclusion of their names in the voters list. According to the petitioners, after the election to the petitioner no.1-Society was conducted, the petitioner no.1 passed a resolution nominating the petitioner no.2 as its representative for being included in the voters list for the election to the managing committee of the respondent no.4-Corporation. According to the petitioners, though the name of the petitioner no.2 was forwarded to the respondent no.2, the respondent no.2 has not taken any steps to include the name of the petitioner no.2 in the voters list.

The respondent nos.1 to 3 have filed an affidavit-in-reply. It is stated in the affidavit-in-reply that in the notice dated 23.02.2015, it was clearly mentioned that the nominations should be necessarily filed before 24.03.2015 and the nominations submitted thereafter would not be accepted. It is stated that it is clearly stated in Clause 6 of the notice dated 23.02.2015 that if at all the nomination is to be changed, it can only be in the event of election or due to the death of the nominee. It is stated that the petitioners did not submit the nomination of the petitioner no.2 on or before 24.03.2015 and belatedly submitted the same on 11.05.2015. It is stated that since the submission of the nominations before 24.03.2015 was mandatory and the nominations could have been changed only in the event of the election or death of the nominee, the nomination form of the petitioner was not considered.

On hearing the learned counsel for the parties and on a perusal of the public notice dated 23.02.2015, it appears that the respondent no.2 rightly did not nominate the name of the petitioner no.2 as a voter in the election to the respondent no.4-Corporation. As per the public notice dated 23.02.2015, the nominations were required to be filed on or before 24.03.2015. It was mentioned in the notice that the nominations submitted thereafter would not be accepted. Admittedly, the nomination of the petitioner no.2 was submitted on 11.05.2015, i.e. after the cut-off date. It was clearly mentioned in the notice dated 24.03.2015 that the nominations were liable for change either on the death of the nominee or due to elections. It was necessary for the petitioners to have sent the nomination before 24.03.2015 and then got it changed after the elections. However, this was not done and nomination was tendered by the petitioner no.1 for the first time on 11.05.2015. Since the same was submitted after the cut-off date, the respondent no.2 was justified in refusing to record the name of the petitioner no.2, in the list of voters.

For the reasons aforesaid, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE

APTE