

IN THE HIGH COURT OF JUDICATURE AT BOMBAY, NAGPUR
BENCH, NAGPUR.

WRIT PETITION NO. 596 of 2014

(Vinod Bhujangrao Hingankar Vs. Hon'ble Minister of Co-operative Spinning
and Textile, Mantralay, Mumbai through its Secretary and ors.)

and

WRIT PETITION NO. 3012 of 2014

(The Akola District Central Co-operative Bank Ltd., Akola through its Managing
Director Shri Narendra M. Bhalerao Vs. The State of Mah. through its
Secretary, Dept. of Co-operation and Textile and ors.)

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

Court's or Judge's order

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Shri A. S. Kilor, Advocate for the petitioner in WP 596/14
Shri A. A. Naik, Advocate for the petitioner in WP 3012/14
and for respondent no. 4 in WP 596/14
Mrs. Bharati Dangare, Government Pleader for respondent
nos. 1 to 3

**CORAM : B.P.DHARMADHIKARI &
S. B. SHUKRE, JJ.**

DATE : 30-4-2015.

Heard respective counsel.

Question is whether Chairman of Akola
District Central Co-operative Bank can be *ex-*
officio President of District Level Committee
constituted in terms of order dated 23-12-2008.

Learned counsel Shri Kilor submits that
State Government permits Chairman to function
as such *ex-officio* President provided the bank
shoulders all wages of Group Secretary. Here,
as bank has refused to do so, the District Deputy
Registrar has rightly resumed the charge. His

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contention is that order passed by Hon'ble Minister on 15-12-2012 staying said arrangement and permitting Chairman of Akola District Central Co-operative Bank to continue as *ex-officio* President of District Level Committee is without jurisdiction and unsustainable.

Learned counsel Shri A. A. Naik submits that District Level Committee is born under Section 69B of the Maharashtra Co-operative Societies Act, 1960 because of its Section 69A. As Section 69A itself has been deleted in 2013, there is no such committee and occasion for District Deputy Registrar to continue as *ex-officio* President. He points out that Vaidyanathan Committee has already deprecated increasing executive interference in democratic working set-up of Co-operative Societies. The District Deputy Registrar, an officer on executive side cannot be permitted to interfere and Chairman of the bank who is elected in accordance with law, must continue as *ex-officio* President of District Level Committee, if at all such committee can continue.

Learned Government Pleader points out that though petitions are pending before the Court, the State Government has yet not made

itself clear on situation emerging after deletion of Section 69A. She submits that State Government has to point out whether Section 69B can operate independent of Section 69A. She is seeking time till after vacation to put on record stand on behalf of the State Government.

We find that order dated 15-12-2012 passed by Minister of State for Co-operation, Spinning and Textile has given rise to these two petitions. The order is about 2½ years old. In this situation, we find that interest of justice can be met with by directing the petitioner as also Akola District Central Co-operative Bank to file their respective say in the matter before the State Minister for Co-operation, Spinning and Textile.

The parties shall file said say within a period of four weeks from today.

The Hon'ble Minister shall then take decision upon it within six weeks thereafter in accordance with law.

With these directions and leaving all rival contentions open, we dispose of the writ petitions with no order as to costs.

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