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HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 714 of 2016

Sachin Singh Baghel S/o Late Shri Sajjan Singh Baghel, Aged About 59 Years Representative Member Of Vipnan Sahakari Samiti, Amlidih, Block Khairagarh, R/o 65 Shrishti Colony, Rajnandgaon, Distt. Rajnandgaon, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Cooperative Societies, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur, (Chhattisgarh)
2. Registrar, Cooperative Societies, Chhattisgarh, 3rd Floor, Mahanadi Bhawan, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur (Chhattisgarh)
3. Deputy Registrar, Cooperative Societies, Rajnandgaon, (Chhattisgarh)
4. District Central Cooperative Bank Limited, Rajnandgaon, Through Its Chief Executive Officer, District Central Cooperative Bank Limited, Rajnandgaon, (Chhattisgarh)
5. State Cooperative Election Commission, Chhattisgarh, Raipur, Through Its Secretary, State Cooperative Election Commission, Chhattisgarh, Raipur, (Chhattisgarh)
6. Returning Officer, District Central Cooperative Bank Limited, Rajnandgaon, (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri R.S. Baghel, Advocate
For respondent/State	:	Shri Jugal Kishore Gilda, Advocate General along with Shri Satish Gupta, Govt. Advocate
For Intervener	:	Shri M.D. Sharma, Advocate

And

WPC No. 658 of 2016

Ratan Lal Taram S/o Amar Singh, Aged About 43 Years Member, Adim Jati Seva Sahakari Samiti, Mohala, R/o Markatola, Pose Kande, Tahsil Mohla, Distt. Rajnandgaon, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Cooperative Societies, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur, (Chhattisgarh)
2. Registrar, Cooperative Societies, Chhattisgarh, 3rd Floor, Mahanadi Bhawan, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur, (Chhattisgarh)
3. Deputy Registrar, Cooperative Societies, Rajnandgaon, (Chhattisgarh)
4. District Central Cooperative Bank Limited, Rajnandgaon, Through Its Chief Executive Officer, District Central Cooperative Bank Limited, Rajnandgaon, (Chhattisgarh)
5. State Cooperative Election Commission, Chhattisgarh, Raipur, Through Its Secretary, State Cooperative Election Commission, Chhattisgarh, Raipur, (Chhattisgarh)
6. Returning Officer, District Central Cooperative Bank Limited, Rajnandgaon, (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri B.D. Guru, Advocate
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For respondent/State	:	Shri Jugal Kishore Gilda, Advocate General along with Shri Satish Gupta, Govt. Advocate
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S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

17/03/2016

Heard.

1. By this common order, these two writ petitions are being disposed off at the motion stage itself.
2. In WPC No.658 of 2016, the petitioner has raised grievance that as far as reservation for Scheduled Tribe members is concerned, the same has not been worked out in accordance with the provisions contained in Section 48 (3) of the Cooperative Societies Act, 1960 (hereinafter referred to as "*the Act of 1960*") because proportionate representation aspect has not been properly taken care of.
3. In the other petition WPC No. 714 of 2016, the grievance raised by the petitioner is that within the OBC reserved category, one post of Director has been reserved for OBC category Marketing Society, whereas there is no marketing society in OBC category, meaning thereby that one post of Director shall remain vacant throughout.
4. Learned Advocate General in these cases, on behalf of State and its authorities, earlier sought time to seek instructions. Today, learned Advocate General submits that there are some discrepancies which have been found after filing of the petitions and brought to the notice of authority and the Returning Officer as well as the competent authority would look into aforementioned aspect of the matter and take appropriate decision before proceeding further in the matter. He submits that election process would be furthered only after taking appropriate decision in accordance with the provisions of the Act of 1960 and scheme of reservation.
5. Though there is objection to the maintainability of the petition by learned

counsel for the intervener, in view of the aforesaid development and the statement made on behalf of the State and further taking into consideration that this Court has not stayed or interfered with process of election, the objection is not sustained.

6. Accordingly, placing on record the statement of learned Advocate General, both the petitions are finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge