

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO. 3100 OF 2015

Namdeo S/o. Tukaram Galande

PETITIONER

V E R S U S

The State of Maharashtra & six others

RESPONDENTS

Mr. Narayan B. Narwade, Advocate for the Petitioner
Mr. V.H. Dighe, A.G.P. for Respondent Nos. 1 to 5 and 7
Mr. V.S. Bedre, Advocate for Respondent No.6

**CORAM : A.V. NIRGUDE &
V.L. ACHLIYA, JJ.**

DATE : 30th March, 2016

PER COURT :

1. We heard the learned counsel for both the sides and perused the affidavit-in-reply filed by respondent no.3 as well as the rejoinder.

2. By this petition, the petitioner has challenged the order dated 7th February, 2013, passed by respondent no.5 and the order dated 3rd December, 2015 passed by respondent no.2 on the grounds set out in the petition.

3. The fact is not in dispute that the petitioner was black listed as an auditor vide order dated 31st December, 2010, passed by the Divisional Sub-Registrar, Nasik, Division Nasik and said order is not challenged by

the petitioner till this date. The impugned orders, which are subject matter of the petition, are consequential to order dated 31st December, 2010, passed in the matter to black list the petitioner and to delete his name from the panel of certified auditors. The impugned orders were passed as the fact was brought to notice that inspite of the petitioner was black listed in the year 2010, still his name has been wrongly included in the panel of auditors. Therefore, in absence of challenge to basic order of blacklisting the name of petitioner the impugned orders deleting the name of petitioner from the panel of certified auditors cannot be entertained by this Court..

4. Learned counsel for the petitioner has argued that the order to black list the petitioner though passed in the year 2010, it was not communicated to the petitioner. We are not inclined to accept this contention for the sole reason that the copy of order dated 31st October, 2010 was marked to petitioner. Apart from this, the fact in respect of the petitioner was black listed was well within the knowledge of petitioner before filing of the petition. There are alternate and efficacious remedies provided under the Maharashtra Co-operative Societies Act, 1960 available to petitioner to challenge the impugned order as well as the order to black list before the forum provided under the said Act. In view of this, we are not inclined to entertain petition in exercise of extra ordinary jurisdiction under Article 226 of the Constitution of India. Accordingly, the petition is dismissed. However, no order as to costs.

(V.L. ACHLIYA, J.)

(A.V. NIRGUDE, J.)

