

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 4636 OF 2016

Shaikh Pashu Shaikh Yasin

...PETITIONER

versus

The State of Maharashtra and others

...RESPONDENTS

.....
Mr. A.R. Devakate, Advocate for petitioner
Mr. S.S. Dande, AGP for respondents.
.....

**CORAM : S. V. GANGAPURWALA AND
K.K. SONAWANE, JJ.**

DATED : 25th APRIL, 2016.

Order :-

1. Mr. Deokate, learned counsel for petitioner submits that polling of the elections of Aurangabad District Labour Workers Co-operative Societies Federation Ltd. Aurangabad, District Aurangabad is scheduled on 1st May, 2016, said date is a public holiday being Maharashtra day. So also, a International Labours day and it also is Sunday. In view of explanation to rule 18 (a) of the Maharashtra Co-operative Societies (Election to Committee) Rules 2014 (for short "Rules of 2014"), poll could not have been held on public holiday. As per explanation, whenever particular event is scheduled on public holiday, the same shall take place on the next succeeding day.

2. Learned counsel submits that in view of the fact that the poll is scheduled on public holiday, the same is required to be postponed to 2nd May, 2016 or any other day prior to 4th May, 2016.

3. Mr. Dande, learned Assistant Government Pleader submits that the election programme was declared on 28th March, 2016 and all stages in the election process, except poll are over.

4. We have considered the submissions of the learned counsel for the petitioner so also learned Assistant Government Pleader. In normal course, the requirements of rule 18(a) of the Rule of 2014 are required to be complied, however, it has to be considered that the election programme is declared on 28th March, 2016, nominations were to be filled in with effect from 28th March, 2016 to 1st April, 2016, scrutiny of nomination was scheduled on 2nd April, 2016, withdrawal of nomination was permitted from 4th April, 2016 to 18th April, 2016 and on 20th April, 2016 symbols were allotted to the contesting candidates. On 1st May, 2016, polling is scheduled and counting of votes, so also declaration of result of election is scheduled on 2nd May, 2016. The petitioner has filled in his nomination, all the contesting candidates have been allotted symbols, all the stages in the process of election are concluded. We would have appreciated the contention of the petitioner, had the petitioner

approached to this court earlier. The petitioner pursuant to same election programme has filled in his nomination form. All stages in the process of the election, except polling are over, the petitioner has now approached belatedly, all the contesting candidates have been allotted symbols, they are also not before the court, if the election process is stalled at this stage, when all the process of election, except poll are over, other contesting candidates would be affected.

5. Considering the fact that all the stages in the process of election, except poll are concluded, we are not entertaining the present writ petition.

6. Writ petition, as such, stands disposed of. No cost.

Sd/-

[K. K. SONAWANE, J.]

Sd/-

[S. V. GANGAPURWALA, J.]

MTK