

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

Writ Petition No. 3689 of 2011

District : Jalgaon

1. Hemant Prakash Kale,
Age : 34 years,
Occupation : Auditor,
R/o. 240, Bhavani Peth,
Bhole Niwas, Jalgaon,
District : Jalgaon.
2. Sheshrao s/o. Ganpatsing Parmar,
Age : 42 years,
Occupation : Auditor,
R/o. 22, Bhushan Colony,
Jalgaon, District : Jalgaon.

.. Petitioners.

versus

1. The State of Maharashtra,
Through Commissioner for
Co-operation and Registrar
Of Co-operative Societies,
Maharashtra State,
Central Building,
Pune - 411 001.
2. The Officer on Special Duty,
Audit Board (ADF),
Maharashtra State,
Administrative Building,
2nd Floor, A.G. Khan Road,
Mumbai - 18.
3. The Divisional Assistant Registrar,
Co-operative Societies,
Nashik Division, Nashik.

.. Respondent no.2 deleted.

(2)

W. P. No. 3689 of 2011 with
W.P. No. 4023 of 2011

4. The District Deputy Registrar,
Co-operative Societies,
Jalgaon.

.. Respondents.

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Mr. Prakashsing B. Patil, Advocate, for the petitioners.

*Mr. A.P. Basarkar, Asst. Government Pleader, for
respondent nos.1, 3 and 4.*

*Respondent no.2 deleted as per Court's order
dated 27-5-2011.*

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With

Writ Petition No. 4023 of 2011

District : Ahmednagar

1. Umesh s/o. Vishwasrao Deokar,
Age : 34 years,
Occupation : Certified Auditor,
R/o. Rajyog, Plot No.42,
Shahunagar, Kedgaon,
Ahmednagar,
District : Ahmednagar.
2. Bhausahab s/o. Bhalchandra Vetel,
Age : 45 years,
Occupation : Certified Auditor,
R/o. Bhenda Factory,
Taluka : Newasa,
District : Ahmednagar.
3. Dattatraya s/o. Vitthal Bomble,
Age : 38 years,
Occupation : Certified Auditor,
R/o. Deepjyot, near Sahyadri
Public School, Pipeline Road,
Ahmednagar, District : Ahmednagar.

4. Somnath s/o. Baburao Sonwane,
Age : 38 years,
Occupation : Certified Auditor,
R/o. Mahatma Phule Chowk,
Market Yard, Ahmednagar,
District : Ahmednagar.

.. Petitioners.

versus

1. The State of Maharashtra,
Through the Secretary for
Co-operation, Mantralaya,
Mumbai.
2. The Commissioner for Co-operation
And the Registrar, Co-operative
Societies, Pune.
3. The Divisional Joint Registrar,
Co-operative Societies, Nashik,
District : Nashik.
4. The District Deputy Registrar,
Co-operative Societies,
Ahmednagar,
District : Ahmednagar.

.. Respondents.

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Mr. V.D. Hon, Senior Advocate, for the petitioners.

*Mr. A.P. Basarkar, Asst. Government Pleader, for
respondent nos.1 to 4.*

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**CORAM : S.V. GANGAPURWALA &
A.M. BADAR, JJ.**

DATE : 11TH FEBRUARY 2016

COURT'S ORDER *(Per S.V. Gangapurwala, J.) :*

1. The challenge is to Circulars dated 9-2-2011, 11-4-2011 and 4-6-1992, restricting the number of audits to be carried out by the petitioners.

2. It is not disputed that subsequently the said Circulars are superseded by amendment and thereby limitation of 10 has been raised to 20. It is submitted by the learned Counsel for the petitioners, that even subsequent amendment is assailed in other Writ Petitions. According to them, the respondents cannot put restrictions on the right of the petitioners to carry out the audit with regard to number of institutions.

3. When the Circulars impugned in the present petitions are already superseded by the subsequent amendment, the challenge of the petitioners with regard to the restraint for carrying out audits of number of institutions can be considered in subsequent Writ Petitions.

4. The petitioners were enjoying interim orders. In the light of that, the Writ Petitions are disposed of in view of the subsequent amendment made. Rule is discharged. No costs.

(A.M. BADAR)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

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(5)

W. P. No. 3689 of 2011 with
W.P. No. 4023 of 2011

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