

drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6484 OF 2016

Ashok Ramchandra Aambre

PETITIONER

VERSUS

The State of Maharashtra & others

RESPONDENTS

.....

Mr. Harshad H. Padalkar, Advocate for the petitioner
Mr. S. K. Tambe, AGP for respondent-State

.....

[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 21st JUNE, 2016

ORDER :

1. The petition has been hurriedly moved stating that there is an extreme exigency and as such, had been granted circulation.
2. After hearing learned advocates it transpires that polling for the elections to the managing committee of Gopal Sahakari Dudh Utpadak Sanstha Maryadit, Ganore, Taluka – Akole, District – Ahmednagar is scheduled tomorrow. It is the contention of the petitioner that respondents No.4 and 5 are disqualified to contest elections to said managing committee, for, one of them is a salaried employee of Agasti Sahakari Sakhar Karkhana Limited, Agastinagar, which is a registered co-operative society and the other is the secretary of Sainath Sahakari Dudh Utpadak Sanstha Limited, Pimpalgaon Nipani, which is also a registered co-

operative society. Having regard to section (vi) 73CA of the Maharashtra Co-operative Societies Act, 1960, it is being contended that they are not only ineligible to contest the election, but they are also disqualified under the provisions of the statute. As such, approval of their candidature under the impugned order is untenable in fact and in law. It is further being contended that under an erroneous assumption an appeal had been preferred against acceptance of nominations of respondents No.4 and 5, however the appeal has been dismissed on the ground that it is not being maintainable against acceptance of nomination.

3. Having regard to aforesaid, this is not a stage at which any interlude in the election process can be caused by invoking extraordinary powers of this court.

4. In view of this, I am not inclined to entertain the writ petition. The same is, as such, rejected. However, it is open for the petitioner to take up all appropriate proceedings against candidature of respondents No.4 and 5 including acceptance of their nominations before a proper forum as is available on the same grounds as are being advanced in the writ petition.

[SUNIL P. DESHMUKH, J.]