

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION (ST.) NO.20937 OF 2016

Mr. Hirachand Jaysingh Jagdale & Ors. Petitioners

Vs.

The Additional Registrar Respondents
(Credit Societies), Co-op. Societies,
Govt. Of Maharashtra & Appellate
Authority, Pune & Ors.

Mr. A.D. Nimbalkar, Advocate for the Petitioners.
Mrs. Vaishali Nimbalkar, AGP for Respondent no.1.
Mr. S.A. Pawar, Advocate for Respondent no.3.

Coram : **Smt. R.P. SondurBaldota, J.**
Date : 29th July, 2016

P.C.

1 Not on board. Taken on board.

2 The four petitioners herein have filed a common petition to challenge rejection by respondent no.2 of their respective nomination forms. In respect of each petitioner, not only there is separate order of rejection of nomination but the facts stated in the order of rejection in respect of each petitioner are different. In the circumstances, it was necessary for the petitioners to file separate petitions to agitate their grievances. Mr. Nimbalkar, the learned advocate for the petitioners submits that in

view of extreme urgency, the petitioners have filed a common petition. Also according to him, the submissions to be advanced on behalf of all the petitioners, to challenge rejection of the nomination forms are identical.

3 The rejection by respondent no.2 of the nominations of the petitioners is on account of non-fulfilment of requirement of Rule 44(13) and 44(5) of the Bye-laws of Respondent no.2-Society. By-Law No.44(13) requires the petitioners to maintain deposit of minimum Rs.2,00,000/- with respondent no.3 for being eligible to contest the election for member of managing committee. Bye-law 44(4) requires that the deposit of Rs.2,00,000/- by the contestant must be for a continuous period of two years prior to the year of election and no loan thereon should have been taken thereon. The petitioners have maintained varying amounts as deposits with respondent no.3, none of the deposits being continuously for a period of two years prior to the year of election. Hence, the petitioners were clearly ineligible to contest the election to the member of the managing committee.

4 Mr. Nimbalkar submits that the conditions considered by respondent no.2 have been imposed by way of an amendment of the bye-laws, which amendments have neither been approved by the general body of respondent no.3 nor subsequently approved by the Registrar of Co-operative Societies. Mr. Pawar, the learned advocate for respondent no.3 has tendered the

minutes of meeting of the general body of respondent no.3 held on 13th April, 2013, which was attended to by all the petitioners. The minutes show that it was specifically resolved on that day that the conditions mentioned above have been imposed for deciding the validity of nomination. He has also produced the approval from the Registrar of Co-operative Societies to the change. Thus, there is no substance in the petition. Hence, the petition is dismissed.

(Smt. R.P. SondurBaldota, J)