

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

WRIT PETITION NO. 1463 OF 2017

Pradip s/o Bhausahab Shelke
Age:40 years, Occu: Service,
R/o. Padali, Tq. Badnapur
District Jalna

...PETITIONER

VERSUS

1. The State Co-operative Election Authority,
Maharashtra State, Pune,
2. The District Deputy Registrar,
Co-operative Society, Jalna,
3. The Returning Officer,
for the Election of the
Maharashtra State Electricity
Employees Co-op. Patsanstha Ltd.
Jalna. Tq. & Dist.: Jalna.
4. The Election of the Maharashtra
State Electricity Employees Co-op.
Pathsanstha Ltd. Jalna,
Through its Manager

(Copy of respondent No.1 to be served
on its Standing Counsel, Respondent No.2
to be served on Govt. Pleader, High Court
of Bombay, Bench at Aurangabad and
the copy of respondent No.3 to be served
on its Standing Counsel)

...RESPONDENTS

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Shri V.A. Bagal, Advocate for petitioner
Shri V.S. Kadam, Advocate for respondent Nos.1 and 3
Shri A.V. Deshmukh, A.G.P. for respondent No.2
Shri S.S. Paturkar, Advocate for respondent No.4
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CORAM: S. B. SHUKRE, J.

DATED: 1st February, 2017.

ORAL JUDGMENT :

1. Heard. Shri V.S. Kadam, learned counsel waives service for respondent No.1 and 3, Learned A.G.P. waives service for respondent No.2. Shri S.S. Paturkar, learned counsel appears for respondent No.4 by waiving service. He is permitted to file Vakalatnama and same is taken on record. Rule. Rule made returnable forthwith and heard finally by consent of learned counsel for the parties.

2. The nomination form of the petitioner was rejected on that ground that it did not bear signature of the proposer.

3. Although learned counsel for the petitioner submits that absence of signature of proposer is clerical or technical error as provided under Rule 21 of the Maharashtra Co-operative Societies (Elections to Committee) Rules, 2013, the submission cannot be accepted for the simple reason that any form submitted without signature of the proposer could not be considered to be a form submitted with some defects, but would have to be considered as incomplete form. If the form is incomplete, its rejection on that ground by the Election Officer

could not be seen to be arbitrary or illegal. There is no merit in this Writ Petition. The Writ Petition is dismissed with costs. Rule is discharged.

4. Authenticated copy permitted.

(S. B. SHUKRE)
JUDGE

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