

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10244 OF 2017

Jalgaon Zilla Maratha Vidya
Prasarak Sahakari Samaj ltd.

Petitioner

Versus

The State of Maharashtra
& others

Respondents

Mr. N.V. Gaware, advocate for petitioner.
Mr. P.S. Patil, A.G.P. for respondent no. 1.
Mr. Yogesh Bolkar, advocate for respondents 2 and 3.

WITH
WRIT PETITION NO. 10479 OF 2017

Jalgaon Zilla Maratha Vidya
Prasarak Sahakari Samaj ltd.

Petitioner

Versus

The State of Maharashtra
& others

Respondents

Mr. N.V. Gaware, advocate for petitioner.
Mr. P.S. Patil, A.G.P. for respondent no. 1.
Mr. Yogesh Bolkar, advocate for respondents 2 and 3.

**CORAM : R.M.BORDE &
S.M. GAVHANE, JJ.
DATE : 22nd AUGUST, 2017**

PER COURT:

1. Name of representatives presented on behalf of petitioners for the purpose of participation in the process of election to the Senate

of North Maharashtra University has been turned down by the Officiating Registrar and the Returning Officer appointed for the purpose of holding elections to the Senate and, the said order is subjected to challenge in both the petitions.

2. Petitioner in Writ Petition no. 10244/2017 is represented through the Chairman of the Co-operative Society registered under the provisions of Societies Registration Act whereas petitioner in Writ Petition no. 10479/2017 is represented by the Secretary of the trust. Surprisingly, both the petitions are presented by one and the same institution. It is not a matter of controversy that there are two rival groups claiming control over the affairs of the education society. There is also no denial as regards pendency of various disputes before different forums relating to management of the education institution. Petitioner in Writ Petition no. 10244/2017 claims that the society is registered under the provisions of Societies Registration Act and the Chairman, who has presented the petition, is elected by the members of the co-operative society. Petitioner in Writ Petition no. 10479/2017 claims that he is elected as Secretary of the trust and the institution is also registered as a trust and the elected representatives of the trust are managing the affairs of the institution.

3. Both the petitioners, i.e. co-operative society as well as the trust have sent names of two different representatives for the purpose of participation in the election to Senate of the North Maharashtra University. The Election Officer noticing the controversy between two rival groups has turned down the names

on the grounds viz., 1) two different groups have claimed their representation, 2) The Board of Directors is not certified by any authority and, 3) Schedule I has not been submitted. There is no denial as regards pendency of dispute between two rival managements and as such, according to us, the Returning Officer was justified in refusing to go into the controversial question raised by two rival groups. In exercise of extra ordinary jurisdiction under Article 226 of the Constitution of India, no interference is called for in both the petitions. Petitions as such stand summarily rejected.

(S.M. GAVHANE)
JUDGE

(R.M.BORDE)
JUDGE