

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6377 OF 2018

Eknath Bhaurao Parmeshwar
Age : 62 years, Occu.: Fisherman,
R/o : Khadkeshwar, Tq. Ambad,
Dist. Jalna

.. Petitioner

Versus

1] The State Co-operative Education Authority,
Maharashtra State Pune,
Through its Secretary

2] The Returning Officer,
Sakladi Baba Matsya Vyavsaik
Sahakari Sanstha Ltd., Khadkeshwar,
Tq. Ambad, Dist. Jalna

3] Sakladi Baba Matsya Vyavsaik
Sahakari Sanstha Ltd., Khadkeshwar
Tq. Ambad, Dist. Jalna
Through its Secretary

4] Sonaji Sakharam Gahire,
Age Major, Occu. Agri.,
R/o Tadhadaon, Tq. Ambad,
Dist. Jalna

.. Respondents

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Mr. L.H. Kawale, Advocate h/f. Mr. K.J. Suryawanshi, Advocate
for petitioner

Mr. S.K. Kadam, Advocate for respondents no.1 and 2

Mr. S.S. Dombé, Advocate for respondent no.3

Mr. M.R. Sonwane, Advocate for respondent no.4

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CORAM : SUNIL P. DESHMUKH, J.

DATE : 02-07-2018

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith. Heard learned counsel for the parties finally, by consent.

2. The petitioner questions approval of nomination and rejection of objection to the nomination of respondent no.4, by the Returning Officer.

3. It is the case of the petitioner that respondent no.4 had resigned from the membership of society way back in 2013 and apart from the same, he had been defaulter of the society and had illegally withdrawn amount from account of society, as can be seen from the papers appended to the petition. He submits that even audit report refers to that respondent no.4 had resigned in 2013 and that he had illegally withdrawn certain amounts in the capacity of chairman along with the secretary. He submits that while the respondent no. 4 is not a member of society, yet, his name had figured in the voters' list of society. Learned counsel for petitioner purports to contend that photocopy of nomination form annexed to the petition does not depict either acceptance or rejection of nomination of respondent no.4. Despite aforesaid, his nomination had been illegally validated.

4. Learned counsel for the Returning officer, however, submits that against name of respondent no.4, endorsement of validity appears to be there.

5. On the other hand, learned counsel for respondent no.4 denies that respondent no.4 had ever resigned from the post or for that matter, the withdrawals which have been imputed against him. He submits that petitioner himself has no *locus standi*, as he is not a member of the society and that the documents he is relying on, are forged and bogus and no reliance can be placed on the same.

6. Learned counsel for State Co-operative Election Authority and the Returning Officer submits that while objections were raised, no corresponding record was made available for perusal of the Returning Officer. That apart, lots of disputed questions of facts appear to be involved in the petition. In the circumstances, he submits that at this stage, no meddlesome approach be adopted nor the ongoing election process be intercepted. He refers to that this petition would not impinge upon petitioner's right to take such legal recourse, as may be available in law.

7. Submissions on behalf of the State Co-operative Election Authority and the Returning Officer carry lot of force and

in the circumstances, writ petition is not being entertained and is rejected which shall not impede right of petitioner to take legal recourse at appropriate stage.

8. Rule stands discharged.

[SUNIL P. DESHMUKH]
JUDGE

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