

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6419 OF 2013

Sitaram s/o Sadhu Waghmare,
Age : 65 years, Occu. Agri.,
R/o Shingoli, Taluka and
District Osmanabad

PETITIONER

VERSUS

1. The Union of India,
through Central Registrar of
Co-operative Societies,
New Delhi
2. The Commissioner for Cooperation,
Maharashtra State, Pune
3. The Joint Registrar,
Cooperative Societies,
Aurangabad Division,
Aurangabad
4. The Osmanabad Janta Sahakari
Bank Ltd., Osmanabad through
its Chief Executive Officer
5. Marathwada Urban Cooperative
Banks Association Ltd.,
Aurangabad, Urban Bank Bhavan,
Plot No.27, Vikas Puri,
Padegaon, Aurangabad, through
its Chief Executive Officer
6. The Reserve Bank of India,
through its Governor,
Near Akashwani Bhawan,
New Delhi

RESPONDENTS

Mr. A.V. Patil, Advocate for the petitioner
Smt. Sudha S. Kulthe, Standing Counsel for
respondent No.1

Mr. V.S. Badakh, A.G.P. for respondent Nos.2 and 3
Mr. Irpatgire, Advocate for respondent Nos.4 and 5

**CORAM : S.V. GANGAPURWALA AND
R.G. AVACHAT, JJ.**

DATE : 26th NOVEMBER, 2018

ORDER :

Heard the learned counsel for the parties and
the learned A.G.P.

2. The petitioner assails the recruitment process
conducted by the respondent No.4-Bank.

3. Mr. Patil, learned counsel for the petitioner
submits that the petitioner is a member of respondent
No. 4 Bank, which is a Multi State Cooperative Society.
During the pendency of the petition, his membership has
been cancelled and the petitioner has instituted
independent proceeding against the order cancelling his
membership. According to the learned counsel, the
recruitment process has been initiated and concluded by
the respondent No.4 Bank without adhering to the bye-
laws and the procedure. He submits that on large scale,

illegalities have been committed in the recruitment process. The same are detailed in the present petition.

4. The learned counsel for the petitioner further submits that the Central Registrar of Cooperative Societies is not considering the grievances raised. He submits that initially, writ petition No.6656 of 2011 was filed, which came to be disposed of by this Court under order dated 24th July, 2012. In the said petition, the respondent Bank also accepted the appointment of an independent agency to conduct the recruitment process. The respondent Bank had challenged the said judgment before the Apex Court in Special Leave Petition (Civil) ("S.L.P.", for short) No.26860/2012. The Apex Court allowed the S.L.P. The petitioner has filed Review Petition seeking review of the order passed by the Apex Court in the S.L.P. The learned counsel submits that the said Review Petition is dismissed for default.

5. The learned counsel for the petitioner submits that even after the order passed by this Court in writ petition No.6656 of 2011 is set aside, still the respondent Bank is required to adhere to the recruitment procedure as contemplated under the bye-laws. The same has not been followed. An advertisement relied upon by

the respondent Bank is after the appointments of some of the candidates are made.

6. Mr. Irpatgire, learned counsel for the respondent Bank submits that the advertisement was issued. The recruitment procedure was followed and the appointments were made. He submits that the petitioner does not have any locus standi to file the present petition. The petitioner is not a member of the respondent Bank, nor had participated in the recruitment process. The S.L.P., filed by the respondent Bank against the order passed by this Court in writ petition No.6656 of 2011, has been allowed. Even the locus of the petitioner has been considered by the Apex Court.

7. The learned counsel for respondent No. 1 - Union of India submits that the affidavit is filed by the Deputy Commissioner (Credit/Cooperation), Department of Agriculture, Cooperation and Farmers Welfare, Ministry of Agriculture and Farmers Welfare, New Delhi that as far as recruitment is concerned, the Central Registrar of Cooperative Societies does not have any power. Under Section 49 of the Act, it is the power of the Board of the Bank to appoint the employees.

8. We have considered the submissions. The earlier order dated 24th July, 2012, passed by this Court in Writ Petition No. 6656 of 2011, wherein this Court directed respondent No. 2 therein (i.e. the Central Registrar of Cooperative Societies) to find out an independent agency for effecting recruitment as per requirement, has been set aside by the Apex Court in S.L.P. (Civil) No.26860/2012, filed by the respondent Bank, under order dated 10th July, 2014.

10. The record indicates that recruitment has been made after filing of the present writ petition. According to the respondents, some advertisement has been issued by the respondent Bank.

11. The registration of the Multi-State Cooperative Society has to be done by the Central Registrar of Cooperative Societies. The Central Registrar is a supervisory Authority. If the Multi-State Cooperative Society does not function as per the provisions of the Act, Rules or bye-laws, it is only the Central Registrar who should take appropriate steps in that matter.

12. Normally, in service jurisprudence, the concept

of 'public interest' would not be invoked.

13. In case the petitioner is a member of the respondent Bank, then he may approach the Central Registrar of Cooperative Societies, New Delhi with regard to his grievance/s, if any, as against the respondent Bank. In case such grievance is made by the petitioner, the Central Registrar shall consider the same after hearing all the parties concerned.

14. The Writ Petition is accordingly disposed of in above terms. No costs.

15. In view of disposal of the Writ Petition, Civil Application Nos.14862/2015 and 10587/2018 stand disposed of.

[R.G. AVACHAT]
JUDGE

[S.V. GANGAPURWALA]
JUDGE

npj/wp6419-2013