

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.**

WRIT PETITION NO. 8638 OF 2018

Rajabhau Shriram Phad.

Petitioner.

Versus

State of Maharashtra and others.

Respondents.

Mr. M.V. Nagargoje, Advocate for the petitioner.

Mr. S.B. Yawalkar, A.G.P. for the State/respondents.

Mr. S.S. Thombre, Advocate for respondent No.4.

**CORAM : S.V. GANGAPURWALA &
SUNIL K. KOTWAL, JJ.**

Dated : **2nd August , 2018.**

FINAL ORDER :-

. Mr. Nagargoje, the learned Counsel for the petitioner submits that four of the members have demanded voting by secret ballot for the election of the Chairman to be held on 3rd August 2018. The learned Counsel relies on Clause 41 of the Bye-laws.

2. Mr. Thombre, the learned Counsel submits that the petition is premature. At the time of meeting the demand has to be made. The Returning Officer would take a decision with regard to the manner of recording the votes. Normally it is by show of hands.

3. The learned A.G.P. appearing for respondent Nos.1 to 3 submits that even the Bye-laws provide for voting by secret ballot.

4. It is submitted that the meeting is scheduled on 3rd August 2018 for the conduct of election of Chairman of respondent No.4.

5. In the meeting the petitioner and/or the members may request the Returning Officer with regard to the mode of voting. The Returning Officer shall consider the request of the petitioner, the Bye-laws, Act and Rules and shall take decision regarding the mode and manner of the voting.

6. The Writ Petition is accordingly disposed of.

(SUNIL K. KOTWAL)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

vdd/