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

WRIT PETITION NO.729 OF 2019

Sant Motiram Maharaj Shetkari
Samuh Krushi Sahitya Purvatha Va
Dhanya Godam Seva Sahakari
Sanstha Maryadit, Borda,
Tq. Gangakhed, Dist. Parbhani,
Through its Chairman
Surekha Dnyaneshwar Mundhe,
Age: 35 years, Occu: Household,
R/o Borda, Tq. Gangakhed,
Dist. Parbhani

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Cooperation, Marketing and Textile
Department, Mantralaya, Mumbai-32
2. The Secretary,
Cooperative Societies Department,
Mantralaya, Mumbai-32
3. The Commissioner of
Cooperative Societies,
Maharashtra State, Pune
4. The Managing Director,
Maharashtra Cooperative
Development Corporation,
Maharashtra State, Pune
5. The District Deputy Registrar,
Cooperative Societies,
Parbhani, Tq. and Dist. Parbhani
6. The Assistant Registrar,
Cooperative Societies,
Gangakhed, Tq. Gangakhed,
Dist. Parbhani

..RESPONDENTS

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Mr S. G. Mundhe, Advocate for petitioner;
Mr S. S. Dande, A.G.P. for respondent /State

**CORAM : PRASANNA B. VARALE
AND
S. M. GAVHANE, JJ.**

DATE : 18th January, 2019

ORAL ORDER:

Heard learned Counsel appearing on behalf of the petitioner.

2. The petitioner challenges the order passed by respondent No.6 - Assistant Registrar, Co-operative Societies, Gangakhed, Tq. Gangakhed, District Parbhani, dated 10th January, 2019 on two counts, that the proposal of the petitioner - society was in time and secondly, respondent No.6 is not vested with the powers to turn down the proposal and respondent No.6, who has only forwarded the proposal to the District Committee and it was the domain of the District Committee to consider the proposal and accordingly grant sanction or reject the same.

3. The petitioner - society is registered in the year 2011. A copy of registration certificate is placed on record at Exh.'A'. The date of registration is 29th October, 2011. This is a certificate of registration issued under the signature and seal of the Assistant Registrar, Co-operative Societies, Gangakhed.

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4. The State Government, by its Resolution dated 2nd January, 2019 decided to provide financial assistance to the societies. The said Resolution refers to the aims and objects, the prerequisites, the submission of proposal and scrutiny and also refers to the projects selected in the scheme.

5. Learned Counsel appearing on behalf of the petitioner vehemently submitted before us that there is nothing in the aforesaid Government Resolution that the societies, which are registered in the year 2011 could not be considered for the said scheme. To appreciate the submission of learned Counsel for the petitioner, it would be necessary to refer to the eligibility criteria for availing benefits of financial assistance to the societies. These criteria are referred to in clause No.3.9 of the said Resolution. The very first sub-clause of clause 3.9 of the Resolution reads that the societies which are registered prior to five years i.e. from the financial year 2014-15 are eligible to stake their claim in the scheme. Learned Counsel submitted that there is nothing in the Resolution so as to say that the societies, which are registered in the year 2011 are not entitled for staking claim. We are unable to accept the submission for the simple reason that sub clause-(i) opens with this peculiar criteria that those societies which are registered since last five years i.e. from financial year 2014-15 and this statement will have to be read conjointly with the date of the Resolution and same is 2nd January, 2019. Therefore, if the eligibility criteria is made known with these specifications

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insisting on the reference in specific words that the societies which are registered in the year 2011 would mean to read the Resolution as per the wish of the party, suiting its purpose. The party may make such submissions, we are unable to accept these submissions as the eligibility criteria referred to in the Resolution is clear. Thus, we are unable to accept the first limb of the arguments of learned Counsel for the petitioner.

6. Insofar as the second limb of the arguments of the learned Counsel is concerned, the Counsel states that the Assistant Registrar does not possess with the powers to return back the proposal and he is left with one option to forward the proposal to the District Committee. This submission is also unacceptable for the reason that when the Government Resolution prescribes particular criteria and the Assistant Registrar, Co-operative Societies is to accept the proposal under the scheme, he certainly can assess whether the proposal complies with the requisite criteria and if at that stage of the scrutiny, the Assistant Registrar finds that the proposal is not completing the criteria, he may return the same. The District Committee is empowered to scrutinise the proposal and also assess the viability of the same but at the same time, the Resolution cannot be read to state that the District Committee may also be burdened with either incomplete proposal or the proposals, which are not complied with the requisite criteria and if this fact is found at the threshold of the scrutiny by the competent officer of the Co-operative department.

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7. Considering both the limbs of submissions by learned Counsel for the petitioner, we are of the opinion that the petition is meritless and deserves to be dismissed at the threshold and same is dismissed accordingly.

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)

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