

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION (ST.) NO.30717 OF 2019

Anuradha Satish Gadale ... Petitioner
Vs.
The Returning Officer, The Cosmos Co-op.
Bank Limited and another ... Respondents

Mr. Ashutosh M. Kulkarni a/w. Mr. Sarthak S. Diwan for Petitioner.
Mr. Zishan Quazi for Respondent No.1.
Mr. Joel Carlos for Respondent No.2.

CORAM : UJJAL BHUYAN, J.
DATE : DECEMBER 10, 2019

P.C. :
(Not on Board. Taken on Board.)

Heard Mr. Kulkarni, learned counsel for the petitioner; Mr. Quazi, learned counsel for respondent No.1; and Mr. Carlos, learned counsel for respondent No.2.

2. Petitioner is aggrieved by order dated 09.12.2019 passed by the Returning Officer of Cosmos Co-operative Bank Limited rejecting her nomination paper for contesting the election to the Board of Directors of the said Co-operative Bank for the period 2020-2025.

3. A perusal of the impugned order dated 09.12.2019 would go to show that nomination paper of the petitioner was rejected on the ground that Managing Director of the Co-operative Bank had furnished information that name of the petitioner was not in the final eligible voters list as she was not an active member.

4. Learned counsel for the petitioner submits that the Co-operative Bank itself has clarified that it was a clerical mistake and that the petitioner is an active member of the Bank. Her non-inclusion in the final eligible voters list is a mistake which can be rectified at this stage

itself.

5. Though ordinarily a Writ Court would not interfere with an on-going electoral process, nonetheless, in the peculiar facts and circumstances of the case, Court called upon learned counsel for respondent No.2 as to what his stand is insofar contention of the petitioner is concerned.

6. Learned counsel for respondent No.2 submits that after marriage of the petitioner, there was a change in her customer identity card which was found to be non-active which is a technical mistake which can be rectified even at this stage.

7. On a further query by the Court, learned counsel for respondent No.2 submits that elections are scheduled on 22.12.2019.

8. Considering the above, impugned order dated 09.12.2019 is set aside. Consequently, nomination paper of the petitioner shall be treated as valid and she be permitted to contest the election to the Board of Directors of Cosmos Co-operative Bank Limited scheduled on 22.12.2019.

9. Writ Petition is accordingly disposed of.

(UJJAL BHUYAN, J.)

Minal Parab