

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.5173 OF 2019

The Bhandara District Central Co-operative Bank Ltd. Thr. Its Chairman Sunil Baburaoji Funde,
Sakoli, Bhandara

-VS-

The State of Maharashtra, Thr. Secretary, Ministry of Co-operation Department, Mantralaya,
Mumbai and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri A. M. Ghare, Advocate for petitioner.
Shri H. D. Dube, Assistant Government Pleader for
respondent Nos.1 and 2.
Shri R. L. Khapre, Advocate for respondent No.3.

CORAM : A. S. CHANDURKAR, J.

DATE : November 18, 2019

Rule. Heard finally with consent of counsel for the parties.

The challenge raised in the present writ petition is to the order dated 17/07/2019 passed by the respondent No.1 herein thereby allowing the stay application that was moved by the respondent No.3 in proceedings under Section 154 of the Maharashtra Co-operative Societies Act, 1960 (for short, the said Act).

2. On 08/09/2016 the Commissioner for Co-operation and the Registrar of Co-operative Societies granted permission of recruitment to the Bhandara District Central Co-operative Bank

Ltd.-petitioner. The respondent No.3 filed a revision application under Section 154 of the said Act on 14/07/2019 seeking to challenge that application. By the impugned order dated 17/07/2019 the Honourable Minister for Co-operation has been pleased to allow the said application and has stayed the permission for recruitment granted on 08/09/2016 till adjudication of the revision application. The Bank has therefore challenged that order.

2. By an interim order dated 22/07/2019 the Bank was permitted to conduct the interviews that were scheduled on 23/07/2019 and 24/07/2019. By a subsequent order dated 13/09/2019 the Bank was permitted to issue appointment orders to the selected candidates with a direction that the appointment orders would contain a condition that the appointments would be subject to further orders passed in the writ petition.

3. Shri A. M. Ghare, learned counsel for the petitioner on the other hand submits that in view of interim directions issued by this Court, the recruitment process pursuant to the advertisement with regard to eighteen candidates is complete

and orders of appointment have been issued to the appointees with a condition that appointment would be subject to further orders in the present proceedings.

5. It is submitted by Shri R. L. Khapre, learned counsel for the respondent No.3 that while passing the impugned order dated 17/07/2019 the respondent No.1 has invoked powers conferred by Section 79-A of the said Act and hence that order has been rightly passed in the facts of the case.

6. It is seen that what is under challenge is merely an interim order dated 17/07/2019 passed by the State Government. The proceedings under Section 154 of the said Act are still pending with the State Government. Considering the developments that have taken place after filing of the writ petition, the interests of justice would be served by passing the following order :

(i) The State Government shall decide the proceedings initiated by the respondent No.2 on their own merits expeditiously without being influenced by the interim orders passed by this Court.

(ii) All points on merits are kept open.

(iii) In the light of interim orders passed by this Court the appointments made by the Bank would now be subject to outcome of the proceedings before the State Government.

(iv) With these directions the writ petition is disposed of with no order as to costs. Rule accordingly.

JUDGE