

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

WRIT PETITION NO. 6357/2019.

Narendra Ramdas Khandare and others

-VERSUS-

State Bank of India Officers Association and others.

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

Court's or Judge's Orders

Shri T.D. Mandlekar, Advocate for Petitioners.
Shri A.M. Joshi, A.G.P. for Respondent No.3.

CORAM : R.K. DESHPANDE &
VINAY JOSHI, JJ.

DATE : SEPTEMBER 17, 2019.

Heard.

2. The disputed question of fact is, as to whether petitioners, as members of State Bank of India Officers Association willfully absented themselves from participating in any agitational program organized by the Association and their Unit especially the strike call, so as to become eligible to contest the election.

3. There is a remedy provided under Clause 39 of the Bye-laws and Rules of the State Bank of India Officers Association (Mumbai Metro and Maharashtra

Circle). Petitioners submit that Clause 6, which makes them ineligible to contest the election itself is violative of Articles 19[1][c] and [g] of the Constitution of India.

4. The question of validity of the Clause can be considered later on, and if a decision on factual aspect goes in favour of petitioners before the adjudicating officer under Clause 39, there would not be any occasion to challenge the validity of the said clause. We are therefore, of the view that petitioners must exhaust the remedy as provided under Clause 39 of the Bye-laws and Rules. Obviously, the authority shall decide the matter in accordance with law by following the principles of natural justice.

5. Writ Petition is dismissed. However, all questions are kept open. No costs.

JUDGE

JUDGE

Rgd.