

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 3309 of 2019

Date : 20.2.2019

Between:

Mohd Shareef S/o Gulam Jilani
Aged 64 years Occ Geologist/Hydro geologist R/o 5-3-31
Tulasinagar Nalgonda Town and District

Petitioner

And

The State of Telangana
Rep by its Principal Secretary Cooperative Societies
Department Secretariat Buildings Saifabad Hyderabad
And others

Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioner and learned Government Pleader for Cooperation.

2. This writ petition is filed challenging rejection of nomination filed by petitioner to the post of Director of 5th respondent urban bank. The rejection was on the ground that petitioner does not fall into one of the categories mentioned in bank bye-law No.28, therefore, is not entitled to contest the earmarked vacancies in the Board of Directors.

3. Learned counsel for petitioner submits that, the composition of Board of Directors of different categories is changed by way of communication given by the Chief Executive Officer of the bank to the Election Officer and in terms thereof, petitioner comes under the category of professional to be eligible to contest and therefore, rejection is not valid in law.

4. Learned Government Pleader points out that as per Section 61 (3) and (4) of Telangana Cooperative Societies Act, 1964, dispute arising out of elections have to be agitated before the Tribunal having jurisdiction, therefore, writ petition is not maintainable.

5. Prima facie, on perusal of material on record, it is apparent that Bye Law No. 28 is not amended and rejection is based on the provision in Bye-law No.28, therefore, perse, rejection cannot be held as illegal. At any rate since petitioner has an effective remedy under Section 61 of the Act, 1964, Court is not inclined to entertain the writ petition

and the same is dismissed leaving it open to the petitioner to work out remedies as available in law. It is also made clear that there is no expression of opinion and the observations made above are only for the purpose of deciding maintainability of the writ petition and all issues are left open to the petitioner to agitate before appropriate forum. No costs. Miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

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TVK



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