

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

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**CWP No.4177 of 2020
Date of Decision:13.03.2020**

Mrs. Savita

....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA

Present: Mr. Arun Sharma, Advocate
for the petitioner.

G.S. SANDHAWALIA, J. (ORAL)

The present writ petition has been filed under Article 226/227 of the Constitution of India challenging the order dated 19.12.2019 (Annexure P-1) whereby revision petition filed by respondent No.7 has been allowed and the order dated 30.10.2019 (Annexure A-1) passed by the Additional Registrar, Cooperative Societies, Panchkula whereby election was set aside without providing the proper opportunity, was further set aside.

Counsel for the petitioner has argued that the Additional Registrar had rightly set aside the election dated 15.09.2019 of the Managing Committee of respondent No.6-the District Primary Cooperative Agriculture and Rural Development Bank Ltd., Faridabad and the resolution dated 25.03.2019 of the Zonal Committee, since appropriate reservation for two women as per proviso of Section 28 (1) of the Haryana Cooperative

Societies Act, 1984 (for short 'the Act') had not been made. Therefore, there being violation of statutory provisions, the said order should not have been interfered with.

At the first blush, the argument is attractive, however, there is more behind the curtain, which would be clear from the impugned order. Admittedly, on 25.03.2019 a resolution was passed by Zonal Committee whereby zones were drawn up and reservation was provided for women only in one zone out of the seven zones, whereas there should have been two seats reserved as per Section 28 of the Act. The petitioner chose not to object at that point of time against the said zoning before the competent authorities. She filed her papers from Zone-I along with her husband Dhir Singh as a general category candidate. She withdrew her candidature and eventually her husband contested against respondent No.7-Rajinder Singh but lost the election.

Resultantly, both of them filed the petition before the Additional Registrar taking the plea that reservation had not been provided in the said selection which was allowed vide order dated 30.10.2019 which has now been set aside. The said authority did not keep in mind the background of the case that it is a proxy litigation by the husband and wife team.

Resultantly, Rajinder Singh-respondent No.7 who had won the election was forced to approach the State Government by filing a revision petition under Section 115 of the Act, whereby the impugned order has been passed noticing these facts. Respondent No.1 has further directed that the Registrar Co-operative Societies would consider either

having a draw of lots or ask for only women to contest in one particular zone or take other transparent measure to ensure that two women are elected as Directors with the respondent No.6-Cooperative Bank. Therefore, he has issued necessary directions, so that mandate under Section 28 is fulfilled.

In the background of the above, this Court is of the view that no case is made out to interfere with the impugned order, as the petitioner had taken a chance to stand in the election as a general candidate, but had never at any point of time challenged the resolution dated 25.03.2019 or made a representation that there should be reservation for two women candidates. Her husband having lost the election, both of them had never objected to the zoning and never challenged the election on merits.

In such circumstances, the impugned order does not call for interference by this Court in its extra-ordinary writ jurisdiction under Articles 226/227 of the Constitution of India, as the petitioner had withdrawn her candidature and her husband had contested and lost the election and therefore, she cannot have any grouse against the non-reservation for women candidate at the belated stage.

Resultantly, there is no merit in the present writ petition and the same is dismissed in limine.

(G.S. SANDHAWALIA)
JUDGE

13.03.2020
pvd

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No