

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.1264 OF 2021

Pradeep Pralhadrao Kadam,
Age : 42 years, Occu. Agriculture,
R/o. Rametakali, Tq. Manwat,
District Parbhani.

... **Petitioner**

Versus

1. The State of Maharashtra,
Through its Secretary,
Co-operative Department,
Mantralaya, Mumbai.
2. The District Co-operative
Election Officer / Divisional Joint Registrar,
Co-operative Institute,
Aurangabad.
3. The District Central Co-operative Bank,
Parbhani - *(Deleted)*
4. Rametakli Vividh Karyakari Seva
Sahakari Society Ltd. Rametakli,
Through its Secretary,
Tq. Manwat, District Parbhani.

... **Respondents**

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Mr. R. J. Nirmal, Advocate for Petitioner.
Mr. K. B. Jadhavar, AGP for Respondent-State.
Mr. S. K. Kadam, Advocate for Respondent No.2.
Mr. V. M. Humbe, Advocate for Respondent No.4.

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CORAM : V. K. JADHAV, J.
DATE : 04.02.2021.

ORDER :-

1. Heard finally at admission stage by consent of the parties.

2. The petitioner is the elected member of respondent No.4 / society. In ensuing election of Parbhani District Central Co-operative Bank, since the name of the petitioner does not appear in the provisional voter list, he has filed the objection before respondent No.2 / Election Officer. However, by impugned order dated 18.01.2021, respondent No.2 / Election Officer has rejected the said objection. Hence, this Writ Petition.

3. The learned counsel for the petitioner submits that the meeting was scheduled on 26.01.2020 for the purpose of electing the representatives for the election of the Parbhani District Central Co-operative Bank and the notice of the meeting has been issued to the Directors of the society. The same is served on all the twelve Directors, however only six Directors of respondent No.4 / Society remained present in the said meeting and therefore, the said meeting was cancelled for

want of coram. The learned counsel submits that the notice for second meeting was issued on 16.02.2020 for the purpose of meeting scheduled on 22.02.2020. Even though, all the Directors were served, however, only six Directors remained present, thus the meeting was again cancelled for want of coram. On 22.02.2020, again the notice has been issued informing about the meeting to be held on 27.02.2020 for the purpose of electing the representative for the election of the Parbhani District Central Co-operative Bank. The learned counsel submits that as per the bye-laws, there was no necessity for the coram and in terms of the resolution passed on subject No.2, the petitioner was recommended as a representative of the society for the purpose of election of the Parbhani District Central Co-operative Bank. The learned counsel submits that as per bye-laws No.5A of respondent No.4 / Society, the entire procedure has been complied with. However, the respondent No.2 / Election Officer has not considered the same and erroneously rejected the objection / application raised by the petitioner for inclusion of the name in the voter list.

4. The learned counsel Mr. Humbe appearing for respondent No.4 / Society submits that the meeting dated 22.02.2020 could not be held due to want of coram, but the Managing Committee passed the resolution to recommend the name of petitioner to be included in the voter list. The learned counsel submits that the Secretary of the Society namely Gorakh Baliram Ghagre has filed the affidavit-in-reply on behalf of respondent No.4 / Society and he has specifically stated in his affidavit that he has not signed the proceedings. He has shown his ignorance about the resolution dated 27.02.2020.

5. The learned counsel Mr. S. K. Kadam submits that the resolution was passed in the meeting which was not completed for want of coram on 27.02.2020. In view of the same, the impugned order passed by the respondent No.2 / Election Officer is proper, correct and legal.

6. I have also heard the learned AGP appearing for the respondent-State.

7. I have carefully perused the affidavit-in-reply filed on behalf of respondent No.4 / Society. It appears that at the first

meeting scheduled on 22.02.2020 was cancelled for want of coram and the resolution to that effect is annexed to the affidavit-in-reply filed by the Secretary of respondent No.4 / Society. He further appears that again, on 22.02.2020 notice has been issued for the meeting scheduled on 27.02.2020. I have perused the resolution dated 22.02.2020. It is specifically mentioned in the said resolution that since only six Directors were present and six Directors were absent in the meeting, thus the meeting was cancelled for want of coram. There is a note under the signature of a Secretary of the Society who has filed the affidavit-in-reply in the said proceedings itself that at the instance of the Chairman of the society he has handed over the proceeding book / record to him.

8. In view of the same, even though after cancellation of the meeting, resolution shown to have been taken on the same date recommending the name of the petitioner, I hardly find any error in the impugned order passed by the respondent No.2 / Election Officer rejecting the objection raised by the petitioner. There is no substance in this Writ petition. Hence, I proceed to pass the following order :

ORDER

Writ Petition is hereby dismissed.

(V. K. JADHAV, J.)

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vmk/-