

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
988 WRIT PETITION NO.3046 OF 2021**

SHANKARRAO DATTARAO SHINDE

..PETITIONER

VERSUS

THE STATE CO OPERATIVE ELECTION
OFFICER AND OTHERS

..RESPONDENTS

...

Mr. Sushant V. Dixit, Advocate for the Petitioner.
Mr. D. R. Kale, Incharge GP for Respondents-State.
Mr. S. K. Kadam, Advocate for Respondent Nos.1 to 3.
Mr. R. K. Ingole, Advocate for Respondent No.4.

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**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 17th FEBRUARY, 2021.

PER COURT:-

1. In the present case the election programme is not yet declared. The Administrator is functioning since the year 2016.

2. Mr. Dixit, learned counsel submits that even the fees for conduct of the election was deposited by the petitioner in the year 2017. The petitioner is not at fault. The Administrator did not conduct the General Body Meeting to elect the delegatee to participate in the election process. The objections were rejected by respondent on 03.02.2021.

3. We have heard Mr. Kadam, learned counsel for respondent nos.1 to 3 and Mr. Ingole, learned counsel for respondent no.4.

4. It is not disputed that, the Administrator did not hold the General Body Meeting. The Administrator is continued for five years, though as per the Statute he cannot continue for more than one year. It appears that, State did not take proper steps in the matter.

5. The petitioner is not at fault. The petitioner cannot be made to suffer because of the lapses on the part of the Administrator and the Administrative Committee. The election programme is also not yet declared. The Managing Committee is not superseded.

6. In light of all the aforesaid facts, we direct the Secretary of the Vividh Karyakari Society, Dhanora Jahangir, Tal. Himayatnagar to convey the Special General Body Meeting by issuing notice on 20.02.2021. The notice of seven days be given. The meeting shall be presided over by the Administrator of the said Society and the resolution shall be passed nominating the delegatee to vote in the election of the Federal Societies viz Nanded District Central Co-operative Bank Limited.

7. Accordingly the names of the delegatee as forwarded by Resolution in the meeting as directed above shall be included in the final voters list as per Rules.

8. We have passed this order considering the fact that the petitioner was not at fault and it was the Administrator who was responsible for not getting the resolution passed.

9. Writ Petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/February-2021