

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.5243 OF 2021

Ramesh Ramrao Girolkar

Vs.

Rajlaxmi Multistate Credit Co-operative Society Ltd., Yavatmal through its Managing
Director and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. P. Thakare, Advocate for petitioner.

CORAM : AVINASH G. GHAROTE, J.

DATE : 13/12/2021

Heard Mr. Thakare, learned counsel for the
petitioner.

The petition challenges the rejection of the nomination of the petitioner on the ground, that the petitioner does not comply with the requirement of eligibility, as contained in bye-law No.36A of the respondent No.1 - Society. The contention advanced by Mr. Thakare, learned counsel for the petitioner is that the bye-laws were amended without notice to the petitioner, and therefore, were not binding, in view of which, the Returning Officer – respondent No.2 could not have sought adherence to the same.

The contention, in my considered opinion, is misplaced for the reason that the bye-laws were amended on 19.01.2021, which amendment has been approved by

the Central Registrar Co-operative Societies by his communication dated 05.05.2021. That being the position, the election could only have been held in consonance with the amended bye-laws and not with those prevailing earlier, considering which, the rejection of the nomination of the petitioner by the respondent No.2, as he did not satisfy the eligibility criteria as contained in bye-law No.36A (4) of having minimum shares of 10,000/- or more, cannot be faulted with.

The petition is therefore, without any merit and accordingly dismissed. No costs.

JUDGE

Sarkate