

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

WRIT PETITION NO.463 OF 2022

**SHIVAJI BHAUSAHEB BANKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner : Mr. Kamlakar J. Suryawanshi
AGP for Respondents – State : Mrs. V. S. Chaudhari
Advocate for Respondent No.4 : Mr. V. D. Hon, Senior Advocate
i/b Mr. A. V. Hon
Advocate for Respondent No.3 : Mr. V. H. Dighe

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 10th JANUARY, 2022

PER COURT :

1. This petition challenges the order of rejection of nomination of the petitioner passed by respondent No.3 – Returning Officer, Aurangabad Zilla Sahakari Dudh Utpadak Sangh, Ltd. Aurangabad, confirmed by respondent No.2 – Divisional Deputy Registrar, Cooperative Societies (Dairy), Aurangabad.

2. This Court, by relying on decision of the Division Bench of this Court at Principal Seat in **Dattatray Genaba Lole and Others Vs. The Divisional Joint Registrar, Cooperative Societies, Pune and Others, Writ Petition No.5878/2021**, has already taken a view that, in view of availability of alternate and efficacious remedy under Section 91 of the

Maharashtra Cooperative Societies Act, 1960, read with Rule 78 of the Maharashtra Cooperative Societies (Election to Committee) Rules, 2014, the petition is not maintainable.

3. In that view of the matter, the writ petition is dismissed with liberty to the petitioner to avail the alternate remedy. All the contentions of the petitioner are kept open.

(NITIN B. SURYAWANSHI, J.)