

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

WRIT PETITION NO.4268 OF 2022

**RAMRAO TULSHIRAM RATHOD
VERSUS
STATE CO OPERATIVE ELECTION TRIBUNAL AND OTHERS**

...

Advocate for Petitioner : Mr. Gore Ravindra Vitthal
AGP for Respondents/State: Mr. P. N. Kutti
Advocate for Respondent Nos.1 to 3: Mr. S. K. Kadam
Advocate for Respondent No.6: Mr. P. F. Patni

...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 12th April, 2022

ORDER :

1. The petitioner is aggrieved by the rejection of his nomination form filed by him for contesting election of respondent no.4-Society. Nomination form of the petitioner is rejected on two grounds; The petitioner has failed to sign the affidavit to the effect that if the petitioner is elected, the petitioner is ready to serve the society as a member and in the affidavit to be filled disclosing the caste of the petitioner, if the petitioner is contesting the election from a reserve seats, the petitioner has failed to mention his caste.

2. The learned Advocate for the petitioner strenuously submitted that these defects can be said to be technical defects which the respondent no.3/Returning Officer ought to have permitted the petitioner to clear.

3. The learned Advocate for respondent no.3, on the other hand, submitted that these defects cannot be said to be of technical nature and therefore, the nomination form of the petitioner is rightly rejected. The learned Advocate for respondent no.6 supports the impugned order.

4. Since the petitioner has failed to fill-up the nomination form in accordance with the rules, the grounds on which the nomination form of the petitioner is rejected cannot said to be of merely technical nature. The election process is in advance stage and in the light of decision in **Dattatray Genaba Lole and Others Vs. The Divisional Joint Registrar, Co-operative Societies, Pune and Others**, reported in **2022(1) BomCR 471**, this Court is not inclined to entertain the petition at this stage.

5. Writ Petition is, therefore, dismissed with liberty to the petitioner to avail alternate remedy. All the contentions of the petitioner are kept open.

6. Needless to mention that in case, the petitioner avails alternate remedy, the said proceedings shall be decided on its own merits without being influenced by the order passed by this Court.

[NITIN B. SURYAWANSHI, J.]

Sameer