

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

3 WRIT PETITION NO. 8061 OF 2022

RAMESHWAR S/O NIVRUTTI CHOPADE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr. Shivaji T. Shelke, Advocates for the petitioners.
Mr. S. K. Tambe, AGP for Respondent No.1.
Mr. S. K. Kadam, Advocate for Respondent Nos. 2 to 4
Advocate for Respondent No. 5 : Mr. Abhijit S. More

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CORAM : RAVINDRA V. GHUGE AND
ARUN R. PEDNEKER, JJ.

DATED : 26 SEPTEMBER 2022

PER COURT :-

1. On 04.08.2022, we had passed the following order :

“1. The petitioners have put forth prayer clause ‘A’ and ‘B’ as under :-

(A) Hold & declare that the Govt. order dt. 15.07.2022 at Exh. E is illegal, arbitrary and violative of statutory & constitutional provisions after examining the legality, validity, propriety thereof.

(B) Quash & set aside the Govt. order dt. 15.07.2022 at Exh. E to the extent of elections of Board of Director of Ahmednagar Zilla Prathamik Shikshak Sahakari Bank Ltd., Ahmednagar with a further direction to the respondent nos. 2 to 4 to complete the elections process of Board of Director of Ahmednagar Zilla Prathamik Shikshak Sahakari Bank Ltd., Ahmednagar as scheduled as per election program at Exh. D.

2. Issue notice to the respondents, returnable on 12th September, 2022. The learned AGP waives service of notice on behalf of respondent no.1 and Shri S. K. Kadam, learned advocate, waives service of notice on behalf of respondent nos. 2 to 4.

3. Let the affidavits in reply be filed atleast one week prior to the returnable date.

4. All office objections to be removed within three weeks.”

2. The learned AGP has filed an affidavit-in-reply in this petition as well as in Writ Petition No. 8886 of 2022 through Shri Devidas s/o Arvind Ghodechor, Assistant Registrar, Co-operative Societies, dated 22.09.2022. In paragraph 4, the deponent has stated as under :

“4. I say and submit that, by communication dated 21.09.2022, it is informed by the Government that the election of all the co-operative societies which were postpone till 30.09.2022, would be started after 30.09.2022 from the stage at which stage the said election was stopped. The copy of communication dated 21.09.2022 is annexed herewith and marked as **EXHIBIT-R-2.**”

3. We have perused the communication dated 21.09.2022 addressed to the learned AGP by the Desk Officer, State of Maharashtra Shri Anil J. Choudhari, informing the learned AGP that wherever the elections have been postponed, the process for conducting the elections would commence from the stage at which they were postponed, after 30.09.2022.

4. The learned Advocate for the petitioners submits that the petitioners are satisfied.

5. The learned Advocate representing the State Co-operative Election Authority, Maharashtra State, submits that polling is normally held in schools. The students and the teachers should be on a holiday. Preferably on Sundays, the elections can be held. He further submits that the authority would require at least two to three weeks' time to intimate the several schools whose premises would be required for polling on a Sunday. Appropriate permissions of the school management will also have to be taken.

6. In view of the above, this petition is disposed off.

7. We direct that the polling in this case, which is the stage at which the elections were postponed, would be held on 16.10.2022 as per the program to be published by respondent nos. 2 to 4.

[ARUN R. PEDNEKER, J.]

[RAVINDRA V. GHUGE, J.]