IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.

Writ Petition No. 2275 of 2022

(1) Sau. Chhaya Rajendra Nagtode,
Aged about : 49 Years,
Occupation ; Housewife,
R/o Ganori, Tahsil Babhulgaon,
District : Yavatmal.

(2) Shri. Ravikant Datturam Punse,
Aged about : 46 Years,
Occupation ; Agriculturist,
R/o Ganori, Tahsil Babhulgaon,
District : Yavatmal. **... Petitioners**

... Versus ...

(1) District Election Officer & District
Deputy Registrar Co-operative
Societies, Yavatmal.

(2) Taluka Co-operative Election Officer,
Asst. Registrar Co-Operative Societies,
Babhulgaon, District : Yavatmal.

(3) Returning Officer, Gram Vividh
Karyakari Sah. Sanstha Ltd., Ganori
Registration No. 971, Tah. Babhulgaon,
District : Yavatmal.

(4) Gram Vividh Karyakari Sah. Sanstha
Ltd., Ganori Registration No. 971,
Through its Secretary, O/a Ganori,
Tah. Babhulgaon, District : Yavatmal. **... Respondents**

Mr. G. C. Khond, Advocate for the petitioners
Mr. N. R. Rode, A. G. P. for the State/respondents 1 and 2

CORAM : ROHIT B. DEO, J.
DATED : 5-5-2022

ORAL JUDGMENT

Rule. Rule made returnable forthwith. With consent, the petition is finally heard.

2. The grievance in the petition is that the nomination form submitted by petitioner 2 – Ravikant Punse is rejected only on the ground that his proposer, Sau. Chhaya Rajendra Nagtode, who is petitioner 1, is not eligible to vote.

3. The contention in the petition is that the name of petitioner 1 was included in the final voters list and came to be deleted subsequently by issuing a corrigendum dated 18-4-2022 on the premise that due to inadvertence, her name was not deleted from the voters list while passing the substantive order dated 22-3-2022.

4. While issuing notice for final disposal, the order impugned was stayed.

5. Learned Assistant Government Pleader Mr. Rode states, on the basis of instructions received, that petitioner 1 - Sau. Chhaya Rajendra Nagtode is not an eligible voter since she has not completed the prescribed period of two years from the date of her membership

of the society. Mr. Rode states that if petitioner 2 submits another/fresh nomination form with an eligible voter as the proposer, the same shall be accepted.

6. Considering the stand of the Election Officer, notice to the society is dispensed with.

7. The Returning Officer is directed to accept the fresh nomination form which may be submitted by petitioner 2, which shall be signed by an eligible voter as the proposer, within the next 72 Hours.

8. Needless to observe that the interim order dated 27-4-2022 shall stand vacated.

9. The petition is partly allowed in the aforestated terms.

JUDGE

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Digitally signed byAVINASH YUVRAJ WASNIK
Signing Date:05.05.2022 16:39