

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

WRIT PETITION NO. 3970/2022

SARVODAYA GO-DUGDHA UTPADAK SAHAKARI SANSTHA MARYA., NANDORA AND ANR
VS
DIVISIONAL DEPUTY REGISTRAR, CO-OP SOC. (DUGDHA), NAGPUR AND ORS.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S.K. Bhoyar, Advocate for the petitioners
Ms. Mrunal Barbde, AGP for respondent nos. 1 and 4
Mr. A.R. Taiwade, Advocate for respondent nos. 3 and 5

CORAM : AVINASH G. GHAROTE, J.

DATED : 03/10/2022

The petition challenges the order dated 04.07.2022 (page 128), whereby respondent no. 1, has accepted the objections raised to the nomination of petitioner no. 2, nominating to be the representative of petitioner no. 1 for the election to the Federation, on the ground that the resolution regarding nomination has to be passed by General Body, whereas the nomination of petitioner no. 2 was done by the Managing Committee.

2. Mr. Bhoyar, learned Counsel for the petitioners submits, that the impugned order is incorrect, for the reason that the Managing Committee has power to nominate a representative to the society in view of instructions, issued by respondent no. 1 dated 25.04.2022 in that regard (page 80).

3. A perusal of the instructions dated 25.04.2022 would indicate, that they are merely in the nature of guidelines and nothing else. The entire matter would be governed by the bye-law of petitioner no. 1/society. Bye-law no. 43.6 indicates that nomination of a representative, to represent petitioner no. 1/society in the election of the Federation, has to be done by the General Body, considering which, the Resolution passed in favour of respondent no. 3 dated 20.05.2022 (page 90) clearly conforms to the same, the same as against which the Resolution in favour of the present petitioner no. 2 dated 29.04.2022 has been passed by the Managing Committee of petitioner no.1/society, which obviously is contrary to the requirement of bye-law no. 43.6.

4. That being the position, the impugned order cannot be faulted with. There is no merit in the writ petition, it is accordingly dismissed, on the aforesaid grounds. No costs.

JUDGE

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