

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

908 WRIT PETITION NO.1018 OF 2023

**VIJAY SHIVAJI PAWAR
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS THE DISTRICT DEPUTY REGISTRAR CO-
OPERATIVE SOCIETIES, JALGAON AND OTHERS**

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Advocate for Petitioner: Mr. Patil Vijay Bhalerao

AGP for Respondent/State: Mr. N. T. Bhagat

Advocate for Respondent No.3: Mr. S. K. Kadam

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CORAM: ARUN R. PEDNEKER, J.

DATE: 24th JANUARY, 2023

PER COURT:

1. Heard Mr. Vijay B. Patil, learned counsel for the petitioner.

2. The learned counsel for the petitioner submits that the petitioner is challenging rejection of his nomination by the election authority as a member of the Jalgaon Zilha Mahavidyalayin Shikshak Va Shikshketar Karmacharyanchi Sahakari Patsanstha Maryadit, Jalgaon. The petitioner had filed his nomination and the returning officer has suo-motu rejected the nomination relying upon bye law no.4.1.3, wherein it is provided that in order to be eligible for nomination the member has to have at least 5 years of service in the institution.

3. In the instant case, admittedly, the petitioner has not completed 5 years of service and, as such, his nomination has been rejected.

4. The learned counsel for the petitioner further submits that the said bye laws of the society are not in consonance with the statute and has to be ignored.

5. Mr. S. K. Kadam, learned counsel appearing for the election authority submits that the election authority has based its decision on the bye laws, which has been approved and, as such, the said bye laws have not been set aside in term of the provisions of the Maharashtra Cooperative Societies Act, 1960. The authorities are bound to implement the bye laws. The elections have to be conducted by the returning officer on the basis of the Act, Rules and bye laws and, as such, it is bound by the bye laws. There is no error in the orders passed by the returning officer as well as the appellate authority.

6. The writ petition stands rejected.

[ARUN R. PEDNEKER, J.]