

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8546 OF 2023

Vasant Laxman Badar and Ors. ... Petitioners
Versus
The State of Maharashtra & Ors. ... Respondents

Mr.Anand S. Deshpande i/b. Mr.Onkar Wable, Advocate for the
Petitioners.

Mr.N.K. Rajpurohit, AGP for Respondent Nos.1 and 3.

Ms.Pooja Deelip Patil i/b. Mr.Deelip Patil Bankar, Chief Standing
Counsel for SCEA, Respondent Nos.2 and 4.

**CORAM : NITIN JAMDAR AND
MANJUSHA DESHPANDE, JJ.**

DATE : 12 SEPTEMBER 2023.

P.C. :

Heard learned counsel for the parties.

2 The Petitioners are the members of Respondent No.5–
Karmala Taluka Prathamik Shikshak Sahakari Pathsanstha Maryadit
at Karmala, District Solapur, which is established for the benefit of
primary teachers who are its members.

3 As regards the election for the tenure of 2023–24 till
2027–28, the District Deputy Registrar Co-operative Societies

Solapur published a voters list on 16 May 2023. The schedule for elections was issued by the Respondent–State Co-operative Election Authority on 25 May 2023. The date of filing nominations was from 29 May 2023 to 2 June 2023. On 30 June 2023, the State Government issued an order pursuant to the powers conferred under Section 157 of the Maharashtra Co-operative Societies Act, 1960, postponing the elections to all co-operative societies in the State of Maharashtra from the stage they were till 30 September 2023. Consequently, the election to the Petitioners’ Society also stood postponed. Being aggrieved, the Petitioners have filed the present Petition.

4 The learned counsel for the Petitioners have relied upon the order passed by the Division Bench (at Aurangabad) in Writ Petition No.7252 of 2023 and others on 30 June 2023 and the order passed by the Division Bench (at Nagpur) in Writ Petition No.4245 of 2023 on 22 August 2023. The order dated 22 August 2023 refers to the order passed by the Division Bench dated 30 June 2023. In the order dated 30 June 2023, it is recorded that the learned counsel for the State Election Authority has left it to the Court to pass suitable orders in respect of the Petitioners Teachers Co-operative Societies therein. Thereupon, the Division Bench set aside the impugned order to the extent of the Societies in the matter before it. In view thereof, we had called upon the learned counsel for Respondent–State Election Authority to make its stand clear. The

stand which was taken by the Election Authority in Writ Petition No.7252 of 2023 is not being taken by the Election Authority before us.

5 The order dated 30 June 2023 postpones elections to all Co-operative Societies in the State of Maharashtra till 30 September 2023. We are informed that there have been certain modifications thereafter. The Government order carved out three classes of exceptions in respect of non-declaration of the elections. Thereafter, in the next paragraph of the order, there is a reference to a Paithan District Teachers Society stating that these teachers are not farmers and, therefore, the election to that Society be permitted. By this Government order, this and other named societies have been permitted to go ahead with their elections as per the programme declared. The learned counsel for the Petitioners, relying on these four instances, one of them being the teachers' Society, sought to contend that consequentially, all teacher's co-operative Society would stand excluded. We do not find any general direction to that effect in the order dated 30 June 2023. However, we do take note of the contentions of the Petitioners that the fact situation in the case of the Petitioners is identical to the four societies whose election is permitted to go ahead by order dated 30 June 2023. These four societies had made a representation to the State Government, and thereafter, the State Government, upon examining the representations, passed the order on 30 June 2023. The learned

counsel for the Petitioners submits that the Petitioners have also made representations in July 2023, which have gone unanswered.

6 Accordingly we direct the State Government to look into the representation made by the Petitioners and decide whether the same course of action, which was taken in the case of the four co-operative societies mentioned in the order dated 30 June 2023, needs to be taken in the case of the Petitioners as well, after considering all the parameters. The outcome will be informed to the Petitioners by 25 September 2023.

7 With these observations and directions, the Writ Petition is disposed of.

(MANJUSHA DESHPANDE, J.)

(NITIN JAMDAR, J.)