



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

WRIT PETITION NO. 1472 OF 2024

SAGAR JALINDAR KUMBHAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS CHIEF SECRETARY
AND OTHERS

...
Advocate for the Petitioner : Mr. Narayan B. Narwade
AGP for Respondents No.1 and 3 : Mrs. R. R. Tandale (Choure)
Advocate for Respondent No.2 : Mr. Vitthal H. Dighe
Advocate for Respondent No.4 : Mr. Madhav K. Jadhav
Advocate for Respondent No.5 : Mr. A. S. More
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CORAM : S. G. MEHARE, J.
DATE : 08-02-2024

PER COURT :-

1. Heard the learned counsels for the parties.
2. The nomination of the petitioner has been rejected on the ground that he was a defaulter in paying the loan to society.
3. The petitioner did not produce the no due certificate before the respondent No.2/Returning Officer. The record reveals that the petitioner was in arrears of the loan of Rs.24,996/- on the date of filing the nomination. However, to protect the scheme, he has tried to stand on the legs of respondents, making allegations that they have deliberately fabricated the document.
4. Learned counsel for the contesting respondent submits that the petitioner was one of the standing committee members. The

record is under the control of the petitioner, who is a member of the managing committee of the society.

5. *Prima facie*, it appears that on the cut-off date of filing the nomination papers, the petitioner was in arrears of the loan amount. It was well within the knowledge of the petitioner. Even then, he had submitted a false affidavit with a nomination that he was not disqualified as provided under Section 73(1-A)(c) of the Maharashtra Co-operative Societies Act, 1960. Since the petitioner was a defaulter, he could not contest the election. None of the authorities have committed the mistake. The rejection of nomination is legal and proper. However, for submitting a false affidavit, the concerned may take action against the petitioner.

6. For the above reasons, the petition stands dismissed.

7. No order as to the costs.

(S. G. MEHARE)
JUDGE

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