



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2655 OF 2024

BALASAHEB GANGADHAR INGLE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THR ITS PRINCIPAL SECRETARY AND
OTHERS

Mr. S. S. Thombre, Advocate for the Petitioners
Mr. A. B. Girase, GP Respondent No.1/State
Mr. V. H. Dighe, Advocate for Respondent Nos. 2 to 4.

CORAM : RAVINDRA V. GHUGE AND
R. M. JOSHI, JJ.

DATE : 8th MARCH, 2024

PER COURT :-

1. The Petitioners before us are the members of the Respondent No.5 High Court Employees' Co-operative Credit Society Limited, High Court Campus, Aurangabad. They have specifically averred that the election programme was already declared on 5th February, 2024. The dates of filing the nominations were between 5th February, 2024 to 9th February, 2024. 12th February, 2024 was the date of scrutiny of nominations. The period in between 13th February, 2024 to 27th February, 2024 was for withdrawal of nominations. 28th February, 2024 was the date for distribution of the election symbols. All these stages have been completed. The polling is scheduled on 10th March, 2024.

2. However, the Ministry of Co-operation, Marketing and Textiles

issued a circular dated 28th February, 2024 directing that the elections shall be postponed only in those Co-operative Societies in which the stage of nominations has not yet arrived and matters in which the Hon'ble Supreme Court or this Court has directed elections to be held. By a corrigendum order dated 6th March, 2024, the words "stage of tendering nominations" (नामनिर्देशनाचा टप्पा सुरु झालेल्या तसेच), have been deleted.

3. We have considered the strenuous submissions of the learned Government Pleader who has made a valiant attempt to defend the order of postponement of elections. The learned Advocate representing Respondent Nos. 2, 3 and 4 Election Authorities submits that, if this Court directs, the polling can be smoothly held on 10th March, 2024.

4. The number of voters are 544, who are all employees of the Aurangabad Bench of the Bombay High Court. All of them are the residents of the Chhatrapati Sambhajnagar city. Since today is not a holiday on the occasion of *Mahashivratri*, all of them are on duty. The elections are being held in a hall, which is already earmarked and all arrangements have been made for conducting the polling. The security at the High Court is well arranged and no additional force is required. There is no pressure on the local administration. There is no burden as regards law and order on the local police machinery.

5. These are peculiar circumstances which we have considered while granting relief in this matter. Hence, this order shall not be treated as a precedent and shall not be cited in any matter.

6. Considering the above and keeping in view that the impugned order does not indicate any such justifiable reason for postponing the elections of the Petitioner society, that **this Writ Petition is allowed**. The impugned order dated 28th February, 2024 is rendered in operable to the extent of the elections of the High Court Employees' Co-operative Credit Society Limited, the Petitioner herein.

7. Since this order has been dictated in the open Court, the litigating parties need not wait till the order is uploaded on the official Website of the Bombay High Court. They shall act in furtherance of the above directions.

(R. M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)

ssp