



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

WRIT PETITION NO.799 OF 2024

Shri Ravi S/o Prabhakar Dhengale, Aged
adult, Occupation : Agriculturist, R/o
Bopapur, Post Sakhara, Tahsil Zari
Zamani, District Yeovatmal

...Petitioner

// VERSUS //

1. District Deputy Registrar Co-operative
Societies, Yeovatmal, Tah. & Distt.
Yeovatmal.
2. Returning Officer of Yeovatmal District
Co-operative Board Ltd. Yeovatmal.

... Respondents

Shri A.M. Ghare, Advocate for Petitioner.

Shri I.J. Damle, A.G.P. for Respondent No.1.

CORAM : ANIL S. KILOR, J.

DATED : 05th FEBRUARY, 2024

ORAL JUDGMENT

1. Heard.

2. **RULE.** Rule is made returnable forthwith. Heard finally by
consent of the parties.

3. This matter pertains to rejection of nomination paper of the petitioner filled in for the election of “Yavatmal District Cooperative Board” from the constituency of Zari Zamani. The rejection is on the ground that the proposal to the nomination paper of the petitioner is not for the same taluka i.e. Zari Zamani but he is from Maregaon.

4. Proviso 2 of sub-rule (3) of Rule 20 of the Maharashtra Cooperative Societies (Election to Committee) Rules, 2014 says that, in case of election from a constituency of a society where only up to 5 eligible members are available in the final list of voters, any person whose name is entered in the final list of voters of any other constituencies may be the proposer or seconder.

5. Admittedly, in the matter at hand, there are three voters from Taluka Zara Zamani and therefore, the above referred second proviso of sub-rule (3) of Rule 20 of the Maharashtra Cooperative Societies (Election to Committee) Rules, 2014 would apply to this case and in that eventuality, it is permissible to have a proposal from other Taluka. Thus, there is no substance in the ground stated in the impugned order for rejection of nomination paper of the petitioner.

6. The learned A.G.P. states that, the petitioner is a voter from Taluka Maregaon and he cannot file the nomination paper from other than Taluka Moregaon and therefore, he is not qualified to contest the election from Zari Zamani.

7. Undisputedly, no one has raised any objection to the nomination of the petitioner on the above referred ground that, the petitioner is not the voter from Taluka Zari Zamani and therefore, he is not qualified to contest the election from Zari Zamani. Moreover, the above ground does not find place in the order rejecting nomination paper of the petitioner.

8. It is a settled law that, the ground which is not mentioned in the impugned order cannot be supplemented by filing affidavit as held in the case of *Mohinder Singh Gill and another ..vs.. The Chief Election Commissioner, New Delhi and others*, reported in **(1978) 1 SCC 405**.

9. In the circumstances, the argument made by the learned A.G.P. cannot be accepted and accordingly, it is rejected.

10. Shri Nanasahab Chavan, District Co-operative Election Officer/District Deputy Registrar, Yavatmal and Shri Onkar Pahurkar,

Returning Officer, Yavatmal District Co-operative Board, Yavatmal, both are present in the Court, and they have noted the final conclusion of this case and undertaken to act accordingly.

11. Having held that the rejection of nomination paper of petitioner is erroneous. Accordingly, I pass the following order :

- i) The writ petition is **allowed**, in terms of prayer clause (A).
- ii) The order dated 15.01.2024 passed by the Election Officer rejecting the nomination paper of the petitioner and the order passed on appeal dated 29.11.2024 by the respondent No.2, are hereby quashed and set aside.

Rule is made absolute in above terms. No costs.

(ANIL S. KILOR, J)

C.L.Dhakate