



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6332 OF 2025

RAJESHWAR SAMBHAJI FULARI

VERSUS

DISTRICT ELECTION OFFICER AND DEPUTY REGISTRAR CO OP
SOCIETIES LATUR AND OTHERS

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Advocate for the Petitioner : Mr. Uddhav Laxmanrao Momale

Standing Counsel for Respondents No.1&2: Mr. S. K. Kadam

Advocate for Respondent No.3: Mr. V. M. Humbe

Advocate for Respondent No.4: Mr. A. N. Sabnis

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CORAM : ARUN R. PEDNEKER, J.
(Vacation Court)

DATE : 15TH MAY, 2025

PER COURT:

1. Heard.
2. The petitioner challenges acceptance of the nomination of respondent no.4 on the ground that he is disqualified as he does not meet the qualification as prescribed under Section 73(C)(A)(1)(vii) of the Maharashtra Cooperative Societies Act, 1960.
3. The learned counsel for the petitioner submits that respondent no.4 is disqualified and he cannot contest the election of the society as he has more than two children as on cut off date. The petitioner had raised his objection before the Returning Officer. However, the Returning Officer has rejected the objections on the ground that the

documents submitted to substantiate the case of the writ petitioner are photocopies and there is some variance in the documents submitted and the Returning Officer has further held that he is not in a position to render any finding as regards respondent no.4, number of children after the cut off date. Considering the same, objection to the nomination of respondent no.4 has been rejected and his nomination is accepted. The same is challenged before this court.

4. The learned counsel for the petitioner submits that in his reply to the objection filed by the petitioner; respondent no.4 he has not denied that he has not more than two children as on cut off date and he is accordingly disqualified from contesting the election. His nomination be rejected.

5. The learned Standing Counsel appearing for the Election Authority submits that elections are at an advanced stage and tomorrow is the last date fixed for allotment of symbols.

6. Considering the submissions of the learned counsel for the petitioner, so also, the learned counsel appearing for the contesting candidate and the Election Authority and having perused the record, it would be difficult for this court to render any finding on the issue of number of children of respondent no.4 as on the cut-off date, on the basis

of the document produced before this court and as the election is also at an advanced stage.

7. Considering the same, the Writ Petition is disposed of with liberty to the petitioner to move before the appropriate authority by filing the Election Petition under Section 91 read with Rule 78 of the Maharashtra Cooperative Societies Act and Elections Rules to seek appropriate remedy in accordance with law.

[ARUN R. PEDNEKER, J.]

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