

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10945 OF 2025**

Anuja Anant Manze & Ors. ... Petitioners
Vs.
The State of Maharashtra & Ors. ... Respondents

Mr. K. A. Shinde, S. P. Bhosale for the Petitioners.
Ms. Kavita N. Solunke, AGP for Respondent Nos.1 and 2-State.
Mr. Prashant Sarwankar (through VC) for Respondent No.4.

**CORAM : M.S. KARNIK &
N.R. BORKAR, JJ.**

DATE : 11TH AUGUST 2025

P.C. :

1. Heard Learned Counsel for the parties.
2. There are five Petitioners who wanted to contest the election of Board of Directors of the Respondent-Municipal Co-operative Bank Limited. As per the bye-laws, the eligibility to contest the election of Board of Directors is to comply with the criteria of minimum shares amount of Rs.5,000/- and the members contesting from reserved seats under Sections 73B and 73C shall comply with 50% of the criteria required for general category. The election programme was declared on 07th July 2025. The nomination form was to be filled in between 17th July 2025 to 23rd July 2025.

3. Learned Counsel for the Petitioners submits that the Returning Officer has illegally rejected the nomination forms of the Petitioners. It is submitted that they fulfill the eligibility provided for in the bye-laws. It is further submitted that the order of Appellate Authority is erroneous in rejecting the appeal filed by the Petitioners under Section 152A of the Maharashtra Co-operative Societies Act, 1960. It is further submitted that the principles of natural justice are not followed while rejecting the nomination. Reliance is placed by Learned Counsel for the Petitioners on the decisions of this Court in the cases of *Murlidhar Rangrao Gaikwad vs. State Co-operative Election Authority*¹, *Chandrakant Mahadev Patole & Anr. vs. The State of Maharashtra & Ors.*² and *Pandurang Hindurao vs. State of Maharashtra*³ in support of the contention that the present Petition can be entertained as there are patent illegalities committed on the part of the Respondents and moreover as no opportunity was given to remove the deficiencies.

4. Admittedly, on the date of filing of the nomination form and till the date when it was to be accepted, the Petitioners did not fulfill the eligibility criteria. It was only on 25th July 2025, the share capital amounts

1 Writ Petition No.4072 of 2025 dated 02nd April 2025.

2 Writ Petition No.1539 of 2009 dated 05th August 2009.

3 1983 Mh.L.J. 1083.

were deposited in the bank accounts. The election process has commenced. The defect is not a technical defect. We do not find any reason to interfere with the order passed by the Returning Officer or by the Appellate Authorities under Section 152A of the Maharashtra Co-operative Societies Act, 1960 especially when the election process has already commenced. The Petitioners can avail the appropriate remedies under the law after the elections are over.

5. The decisions relied upon by the Petitioners are in the fact situation where the interference was warranted as patent illegalities were noticed. In the present case, no such case has been made out by the Petitioners.

6. Hence, the Writ Petition is disposed of.

(N.R. BORKAR, J.)

(M.S. KARNIK, J.)