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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.16356 OF 2025

Anil Ramchandra Shinde	... Petitioner
V/s.	
The Director of Marketing & Ors.	... Respondents

Mr. Vishal M. Dhamal for the petitioner.

Mr. Kedar B. Dighe, Additional G.P with Smt. M.S. Srivastav, AGP for respondent Nos.1 to 5-State.

Mr. Anil Y. Sakhare, Senior Advocate i/by Mr. R.S. Mirpury for respondent No.7.

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CORAM : AMIT BORKAR, J.

DATED : DECEMBER 2, 2025

P.C.:

1. **Rule.** Rule is made returnable forthwith.
2. I have perused the affidavit of service placed on record. The petitioner has shown that all contesting respondents have been duly served. Despite this, only respondent numbers 1 to 5 and respondent number 7 have chosen to appear. The remaining respondents have kept themselves away from the proceedings. The Court proceeds on the basis of available material. The service is complete.
3. The dispute arises from the order of the Returning Officer rejecting the nomination paper of the petitioner. The Returning Officer proceeded on the footing that the service regulations applicable to the petitioner require previous sanction of the

Government before he holds an elective office. In the view of the Returning Officer, absence of such sanction disables the petitioner from contesting an election to a cooperative society. This is the foundation of the impugned decision. The question is whether such a ground can sustain rejection of a nomination under the Maharashtra Cooperative Societies Act.

4. The legal position on this point is clear. The Returning Officer must examine the nomination of every candidate strictly in terms of qualifications and disqualifications laid down in the Maharashtra Cooperative Societies Act, 1960, the Maharashtra Cooperative Societies Rules, 1961, and the Bye-laws of the society. These provisions constitute a complete code governing cooperative elections. If service rules regulate the conduct of an employee, they do so in the realm of employer-employee relationship. If an employee contests an election without permission as required under his service rules, he may face departmental action. He does not lose his right to contest an election under the cooperative law. The right to contest is statutory. No disqualification can be read into the Act from any external source. The Returning Officer cannot travel beyond the statute, rules, or bye-laws. A ground that arises solely from service conditions cannot be invoked to reject a nomination.

5. The impugned order shows that the Returning Officer relied upon Rule 15(1)(c) of the Central Civil Services (Conduct) Rules, 1964. This rule requires a government servant to obtain previous sanction before holding an elective office or before canvassing for any candidate. This rule binds the employee in his service capacity.

It does not operate as a disqualification under the cooperative law. A breach of the Conduct Rules may invite administrative consequences. It cannot render a person disqualified under the Maharashtra Cooperative Societies Act. The Returning Officer and the Appellate Authority under Section 152A were required to confine themselves to the statute. They exceeded that limit. Their conclusion is unsustainable in law.

6. The election program is already underway. The last date for withdrawal of nomination is 3 December 2025. The final list of validly nominated candidates is to be published on 4 December 2025. The petitioner seeks restoration of his nomination before the process moves forward. The Court must act promptly to prevent the petitioner from suffering an irreversible consequence. Given the settled legal position and the stage of the election schedule, interference is warranted. The orders passed by the Returning Officer and by the Registrar cannot stand.

7. In my opinion, therefore, the writ petition deserves to be allowed. Hence, Rule is made absolute in terms of prayer clauses (a) and (b).

8. No costs.

(AMIT BORKAR, J.)