



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

WRIT PETITION NO. 2653 OF 2025

PETITIONER :

Vaishnavi Agricultural Multi-purpose
Agriculture Produce, Production, Marketing and
Processing Co-operative Societies Limited,
Gondia, through its President / Representative
Shri Ashok Laxminarayan Gupta,
Aged about – 55 years,
Occupation – Agriculturist,
R/o Gaushala Ward, Gondia,
Tq. and District Gondia.

V E R S U S

RESPONDENTS :

1. State Co-operative Election Authority,
having its office situated at Central
Building, Ground Floor, 5-B J Road,
Pune – 411001, through its
Authorised Officer.
2. District Co-operative Election Officer,
for The Gondia District Central
Co-operative Bank Ltd., Gondia and
Joint Registrar, Co-operative Societies,
Nagpur, having its office at Dhanwate
Chambers, Sitabuldi, Nagpur.
3. The Gondia District Central Co-operative
Bank Ltd. Gondia, through its Chief
Officer, Near Gayatri Mandir, Tiroda Road,
Gondia.
4. Baliraja Agricultural Implement Sale
and Purchase Co-operative Society
Limited, Tiroda through it's
Representative Ajaysingh s/o
Gajanansingh Gaur, Aged – Adult,
Occ – Agriculturist, R/o Forest Office,
Sai Plaza, Torora, Tah – Tirora,
Distt – Gondia.

Shri S. K. Bhoyar, Advocate for petitioner.

Shri S. S. Ghate, Advocate for respondent No.1.

Ms. S. S. Jachak, Addl. G. P for respondent No.2.

Shri Omkar Ghare, Advocate for respondent No.3.

CORAM: ROHIT W. JOSHI, J.

DATED : 21/05/2025.

ORAL JUDGMENT :

1. The present petition takes exception to the order dated 06/05/2025 passed by the respondent No.2 rejecting the objection raised by the petitioner to the inclusion of the name of the respondent No.4 in the final voters' list for the post of Director of Gondia District Central Co-operative Bank Ltd., Gondia in the Constituency of District Marketing (Sale and Purchase), Consumer Co-operative Society, Processing Co-operative Society and Forest Labour Co-operative Society. The petitioner had raised objection to the inclusion of the name of respondent No.4 on the ground that it does not fall within any of the four categories and therefore, the name of respondent No.4 could not have been included in the voter's list for the said post.

2. The respondent No.2 has rejected the said objection on the ground that the same is beyond the scope of jurisdiction of the said authority in view of Rule 11 of the Maharashtra Co-operative Societies (Election to Committee) Rules, 2014 (For short, "Said Rules").

3. The learned counsel for the petitioner has drawn attention to the Registration Certificate of the respondent No.4 which demonstrates that the respondent No.4 is registered as a General Society, its sub-classification being commercial. He, therefore, contends

that the name of respondent No.4 cannot be included in the voters' list for the said post of Director.

4. Shri S. S. Ghate, learned counsel for the respondent No.1, Mrs. S. S. Jachak, learned Additional Government Pleader appearing for respondent No.2 and Shri Omkar Ghare, learned counsel appearing for respondent No.3 contend that the objection raised by the petitioner was beyond the scope of jurisdiction of the District Election Officer having regard to the Rule 11 of the said Rules. It is contended that the enquiry is summary in nature and the objection pertaining to the eligibility of society cannot be decided under the said provision.

5. The respondent No.4 has filed Caveat in the matter. The learned counsel for the respondent No.4 was absent when the matter was called out. The matter was therefore, passed over with instructions to the learned counsel for the petitioner to inform the learned counsel for the respondent No.4 that the matter is listed today. The learned counsel for the petitioner states that he has contacted the learned counsel for the respondent No.4 and intimated about the listing of the matter. Despite that there is no appearance on behalf of the respondent No.4.

6. The voters' list is finalized on 09/05/2025. In view of mandate of Rule 18 of the said Rules, the election programme is required to be declared within 10-20 days from the date of display of

final voters' list. In that view of the matter, the election programme can be declared between 19/05/2025 to 29/05/2025, having regard to the aforesaid, the petition is taken up for hearing.

7. The learned counsel are *ad idem* that only societies falling within the abovementioned four categories of societies are entitled to vote for the post of Director to be elected from the constituency of the said societies.

8. Although the enquiry under Rule 11 is a summary and mechanical in nature as has been held by this Court in the matter of Dhondiba Parshuram Lakade Vrs. Shri Someshwar Sahakari Sakhar Karkhana Ltd., reported in 1979 Mh.L.J. 311, it cannot be said that the respondent No.2 can decide the objections without having regard to the Registration Certificate of the respondent No.4 as also the fact that only Co-operative Societies, who fall within the four categories mentioned in Entry (C) of the Board of Directors will be entitled to hold for the post of Director in the said Constituency.

9. In view of the aforesaid, the order dated 06/05/2025 passed by the respondent No.2 is quashed.

10. The parties are directed to appear before the respondent No.2 tomorrow i.e. on **22/05/2025 at 11.00 a.m.** The respondent No.2 is directed to hear the concerned parties and decide the objections

afresh before publishing the election programme under Rule 18 of the said Rules.

11. The learned counsel for the petitioner is directed to intimate the order to the learned counsel for the respondent No.4 by all permissible modes of private service, including WhatsApp, E-mail, SMS, etc.

12. The petition is disposed of.

13. The parties to act upon the authenticated copy of this order.

[ROHIT W. JOSHI, J.]

Choulwar