IN THE HIGH COURT OF JUDICATURE AT BOMBAY

AURANGAGABAD BENCH AT AURANGAGABAD

WRIT PETITION No. 12849/2026

Sangram S/o. Vaijnath Mirkale, : PETITIONER
Age : 60 years, Occu. Agri.
R/o Mohnal, Tq. Chakur, Dist. Latur

VS.

: RESPONDENTS

1 The District Co-operative Election Officer / Divisional Joint Registrar, Co-operative Societies, Latur

2 The Assistant Registrar,
Co-operative Societies, Chakur,
Tq. Chakur, Dist. Latur

3. The Managing Director,
District Central Co-operative Bank Ltd.,
Latur

4. The Secretary, Mohnal Vividh Karyakari Seva Sahakari Sanstha Ltd.
Tq. Chakur, Dist. Latur

5. Kalyan S/o Nanasaheb Jadhav,
Age : Major, Occu. Agri,
R/o Mohnal, Tq. Chakur, Dist. Latur

Mr. Ajinkya Joshi, h/f Mr. T.M. Venjane,Advocate for the Petitioner
Mr. K.K. Naik, AGP for Respondent – State
Mr. Ranjan B. Magare, Advocate for Respondent No.5
Ms. Varsha T. Karwade, Adv. for Respondent No.4

CORAM: SACHIN S. DESHMUKH, J.

(Vacation Court through VC)

DATED : 13th NOVEMBER, 2026

ORAL JUDGMENT:

1. Rule. Rule made returnable forthwith. Heard finally with the consent of learned counsel for the parties.

2. The petitioner raised an exception to the order dated 31st August, 2026, rendered by the District Co-operative Election Officer / Divisional Joint Registrar, Co-operative Society, Latur, thereby deleting the name of the petitioner from the list of valid voters list.

The learned counsel for the petitioner submits that the petitioner was appointed as a representative of respondent No.4-Society by passing a resolution to that effect, declaring the petitioner as representative for voting, which would enable the petitioner to represent the Society and was eventually to cast the vote and accordingly, a resolution was passed on 13th July, 2026. Consequent to the said resolution, the name of the petitioner was included in the valid voters' list for ensuing election of the District Central Co-operative Bank. However, an objection was raised to the said inclusion by the respondent No.5 with assertion that the resolution was not passed validly. It was further submitted that while considering the said objection, the respondent No.1 has committed overreach while considering the validity of resolution.

3. Apart from the same, no notice was ever served upon the petitioner before passing the impugned order. In

support of his contention, the learned counsel for the petitioner has placed reliance upon the judgment passed by this Court in *Writ Petition No. 5372/2026 (Bharat Bhaskarrao Deshmukh and another Vs. State Co-operative Election Authority and others), dated 28th May, 2026*.

4. Mr. Kadam, learned counsel representing the respondent No.1 has supported the order submitting that since the resolution was not in accordance with the rules and regulations. As such, the respondent No.1 is justified in considering the objection and eventually passing the order under challenge.

5. Since the respondent No.5 has refused to accept the notice, the same is to be regarded as valid service.

6. Upon hearing the respective counsels for the litigating side and perusal of the record, the petitioner has been nominated as delegate of the respondent No.4-Society and his name was included in the provisional voters' list of the ensuring elections of Latur District Central Co-operative Bank. However, the objection was raised at the instance of the respondent No.5 in relation to the validity of the resolution, appointing the petitioner as delegate of the said Society.

7. Admittedly, the meeting was convened on 13th July, 2026, by issuing a public notice and calling a special general

meeting in that regard and consequently, the resolution was passed declaring the petitioner as representative of the Society.

8. Consequence of the deletion of the name of the petitioner would result into taking away the right of the representation of the respondent No.4-Society in the elections of the District Central Co-operative Bank. Admittedly, the name of the petitioner was included as a representative on the basis of resolution, resultantly, the respondent No.1 has exceeded its jurisdiction while embarking upon the enquiry in relation to the validity of the meeting and eventual appointment of the petitioner as a representative of the said Society.

9. The perusal of the statutory provision pertaining to Rule 11(1) of the Maharashtra Co-operative Societies (Election to Committee) Rules, 2014, provides for the scope of enquiry into objection to the provisional voters' list. The enquiry is in relation to the omission or error in the name, address or any particulars of address of the member or delegate which is rather inadvertent. Thus the Rule does not empower the respondent No.1 to conduct a detailed enquiry as to the validity of the resolution appointing delegate of the Society. In the event of any objection to the validity of the resolution, the remedy which is available is provided under Section 91 of the Maharashtra Co-operative Society Act.

10. Admittedly, the resolution was passed and the petitioner was appointed as delegate, having acted upon the same and eventually included the name of the petitioner, therefore, the learned counsel for the petitioner is justified in submitting that the respondent No.1 has committed overreach while deciding the objection of the respondent No.5 while entering in the thicket of validity of resolution. As such, reliance was placed by the respondent on the order of this Court in the case of ***Bharat Bhaskarrao Deshmukh and another Vs. State Co-operative Election Authority and others*** (supra), lends the support to the contention of the petitioner. In that view of the matter, the impugned order is liable to be quashed and set aside. Accordingly, the same is quashed and set aside.

11. The petition is allowed.

12. Rule is made absolute in terms of clause (B) and (C).

(SACHIN S. DESHMUKH, J.)

MP Deshpande