IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 15588 OF 2026

Aboli D/o. Vinaykrao Jadhav,
Age: 29 years, Occupation: Agriculture,
R/o. Kalegaon, Tq. Ahmedpur,
District Latur. ...PETITIONER

VERSUS

1. The Divisional Joint Registrar
Co-operative Societies Latur,
Division Latur Tq & District Latur.

2. The Returning Officer, Latur
District Central Co-operative Bank Ltd.,
Latur, and Resident Deputy
Collector, Latur.

3. The Latur District Central
Cooperative Bank Ltd Parbhani
Tq & District Parbhani

4. Geetanjali Madhukar Londhe,
Age: 40 years, Occu: Agril,
R/o. Bhosani, Tq. Devani,
District Latur.

5. Smt. Chhaya Shantaram Shitav,
Age: 70 years, Occu: Agril,
R/o. Javalgaon, Tq. Ahmedpur,
District Latur.

6. Smt. Sheetal Kalyan Patil,
Age: 37 years, Occu: Agril,
R/o. Halli, Tq. Udgir, District Latur.

7. Smt. Radhika Siddheshwar Kaware,
Age: 38 years, Occu: Agril,
R/o. Gangai Vasahat, Ambajogai Road,
Latur.

8 Smt. Suresha Ramakant Bhuskute,
Age: 40 years, Occu: Agril,

R/o. Hingangaon, Tq. Shirur
Anantpal, District Latur.

9. Smt. Anita Prabhakar Kendre,
Age: 47 years, Occu: Agril,
R/o. Makegaon, Tq. Renapur,
District Latur.

10. Smt. Shobha Abhimanyu Pawar,
Age: 49 years, Occu: Agril,
R/o. Jananjay Niwas, Mukteshwar
Mandir Road, Ausa, District Latur.

11. Smt. Minatai Ashokrao Suryawanshi,
Age: 40 years, Occu: Agril,
R/o. Hatte Nagar, Road No. 9, Latur.

12. Vividh Karyakari Seva Sahakari
Sanstha Maryadit, Ahmedpur,
Taluka Ahmedpur, District Latur,
Through its Secretary. ...RESPONDENTS

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Advocate for the Petitioner : Mr. V.D.Sapkal (Senior Advocate) a/w Mr. Rohit Patil a/w Amit Gadekar i/b Mr. Pawade Nilkanth R.
AGP for Respondents/State : Mr. K.S. Patil
Advocate for the Respondent No. 2 : Mr. V.H.Dighe
Advocate for the Respondent No. 4 : Mr. D.J. Chaudhari
Advocate for the Respondent Nos. 12 : Mr. A.D. Mane

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CORAM : MANJUSHA DESHPANDE, J.

Reservation Date : 02.10.2026
Pronouncement Date : 04.11.2026.

JUDGMENT :

1. Rule. Rule made returnable forthwith. With the consent of the parties heard finally at the stage of admission.

2. The petitioner in this Writ Petition has raised challenge to the order dated 29.10.2026, passed by the Divisional Joint Registrar, Cooperative Societies, Latur, rejecting the appeal filed by the petitioner in exercise of its powers under Section 152-A of the Maharashtra Cooperative Societies Act, 1960 by confirming the order dated 19.10.2026 passed by the Returning Officer, Latur, District Central Cooperative Bank Limited, Latur @ the Additional Collector, Latur, whereby, the nomination paper of the petitioner was rejected for the election to the Board of Directors, Latur, District Central Cooperative Bank Ltd., Latur from “Women Reservation Constituency”.

3. The learned Advocate for the petitioner Mr. V.D.Sapkal (Senior Advocate) submitted that the petitioner is duly authorised representative of the Vividh Karyakari Seva Sahakari Sanstha Maryadit, Ahmedpur (for short “V.K.S.S. Sanstha”). She has submitted her nomination of contesting election to Board Director, of Respondent No. 3 Bank, accompanied with requisite documents demonstrating her eligibility for contesting the election. Her nomination is in compliance with the Bye-law No. 35.1.2 (A-2) of the Bank, the relevant certificate establishes her involvement in the management and functioning of the Co-operative Societies. During the scrutiny of the nomination, the respondent No. 5 has raised an objection to the petitioner’s nomination alleging that she did not possess requisite experience as contemplated in Bye-law No. 35.1.2 (A-2) and was consequently ineligibility to contest the election. In response to the objection raised by respondent No. 5, the

petitioner had submitted a detailed reply and explained that she possesses requisite experience, therefore, the objection was not sustainable. Without considering relevant provisions of Maharashtra Cooperative Societies Act, 1960 and applicable Bye-laws, without properly appreciating the petitioner's experience and the legal provisions, respondent No. 2 has passed the order rejecting the nomination paper of the petitioner. Being aggrieved by the said order dated 19.10.2026, the petitioner had preferred an appeal No. 92 of 2026 under Section 152-A of the Maharashtra Cooperative Societies Act, 1960, before respondent No. 1. In the proceedings before the Appellate Authority the petitioner has specifically relied on her experience, as a member of the Loan Committee of Ahmedpur Primary Agricultural Credit Co-operative Society and also as a member of the Managing Committee, of the Ambika Majoor Co-operative Society Limited, Ahmedpur. The supporting documents showing her experience, were placed before the appellate Court by way of additional affidavit. In view of documents placed on record, the appellate Authority was bound to consider the same and examine as to whether the documents satisfied the eligibility conditions, however, without properly examining the experience certificate, as well as legal effect of the Bye-laws and the material submissions advanced on behalf of the petitioner, the Appellate Authority has rejected the appeal, vide its order dated 29.10.2026.

4. It is submitted that the nomination paper of the petitioner was rejected mainly on the ground that she does not hold necessary

experience as provided under the Bye-law No. 35.1.2. (A-2) of respondent No. 3 - Bank. The petitioner has filled her nomination paper from the reserved category of women, as is provided under Section 73-C of the Maharashtra Cooperative Societies Act. Since this is an independent category reserved for women, for which two seats are reserved on the Committee of each Society, apart from the qualification of being a woman and a member of that society, there cannot be any other qualification for filling the nomination.

5. It is submitted that, by applying the disqualification applicable to the general constituency/category, the right of the petitioner, who belongs to a special category cannot be taken away. According to him, the Bye-laws that are applicable to all other categories cannot be made applicable to the special category of women. The object of the Bye-law, is to provide reservation to particular category, which is a deprived class of the society would get frustrated. In support of his submission he has relied on the decision of this Court in **Mrs. Tarabai Bhimrao Kale Vs. The Returning Officer to the Elections and Ors - 1994 (1) (Bom.) Case Reporter 598**, wherein this Court has held that

> *"the scheme of the elections to the Committee under Section 73 as explained by other provisions of the Act is that all the members of the Society have right to vote to all the candidates contesting all the seats including all reserved seats. The qualification to contest a particular reserved seat is that the candidate must belong to that category."*
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> *"If the interpretation which the learned Counsel for*

respondents suggest is accepted, then a woman member may not be able to contest the reserved scat for Scheduled Caste and Scheduled Tribe or seat reserved for the non-borrowers. This would put a restriction for which there is no basis in the statute. A woman candidate or a candidate belonging to Scheduled Caste who is a non-borrower contesting a seat reserved for woman or for the Scheduled Caste would be representing the interest of the women and the Scheduled Caste, as the case may be, and not representing the non-borrower class. A non-borrower can be a woman and can also be the Scheduled Caste or Scheduled Tribe and may also belong to weaker sections of the Society. There is nothing in the Maharashtra Co-opeative Societies Act, I960 to prevent such member from contesting the seat reserved for any of these category."

6. Thus, according to him, merely being a women is sufficient to file nomination from the category reserved for women. Any other provisions that prevents her from filling nomination, will have to be ignored and would not be applicable. He further submitted that the Bye-law No. 35.1.2 (A-2) has been amended by the Bank on 15.02.2026, and that the said amendment has a prospective effect. If viewed from this angle, the Bye-law No. 35.1.2.(A-2), which provides that the member who is contesting election to the Managing committee, should have experience of at least 2 years before filing of nomination, has been made applicable retrospectively. The condition of experience of two years, which requires to travel backward for counting such experience, from a period when such amendment was not in existence would not be permissible. The

condition of experience of two years will have to be applied prospectively and therefore, the experience of two years will not be applicable, while considering the nomination filed by the petitioner. Apart from this, in support of experience of the petitioner, reliance is placed on the documents, those were placed before the Appellate Authority in support of the experience of the petitioner, as a member of the Managing Committee of the Ambika Majoor Co-operative Society Limited, Ahmedpur. The experience certificate for the material period as required Bye-law No. 35.1.2.(A-2) is placed on record, alongwith the certificate about the experience of the petitioner as a member of the Loan Committee, Ahmedpur Agricultural Credit Cooperative Society, Ahmedpur, certifying her participation in the matter relating to consideration, management and distribution of loans to the members of the Society has been placed on record for determining her eligibility. It is submitted that without objectively considering the abovementioned documents, the nomination papers of the petitioner has been rejected mechanically. Without considering these additional documents placed on record the appellate Authority has rejected the appeal filed by the petitioner on erroneous considerations. Hence he submitted that the petitioner is very much eligible to be nominated from 'woman reservation' category, for which no other qualification is necessary. Assuming that the Bye-laws are applicable, even in that case the amended Bye-laws are brought in to effect from 16.02.2026, the same cannot be made retrospectively applicable, to the nomination filed by the petitioner.

7. It is submitted that, the petitioner has sufficiently established that she is a Member of Loan Distribution Committee, Ahmedpur Preliminary Agricultural Credit Cooperative Society and she is also a Member of the Managing Committee, of the Ambika Majoor, Co-operative Society Ltd., Ahmedpur, therefore, the certificate issued certifying her experience of Managing Committee of the said society is relevant material for determining her eligibility under Bye-law No. 35.1.2. (A-2), of respondent No. 3 Bank. Hence, according to the petitioner, the order passed by the Returning Officer as well as respondent Nos. 1 and 2 are contrary to the provisions of the Act, hence are required to be set aside.

8. Per-Contra, Mr. Chaudhari, learned Advocate for respondent No. 4 submits that, the petitioner is disqualified in view of Section 73-CA (1)(f)(iv) of the Maharashtra Cooperative Societies Act, which provides that if a member incurs any disqualification under the Act or Rules made therein or Bye-laws of the Society, he incurs disqualification. Thus, according to him, in view of the Bye-law No. 35.1.2.(A-2), the petitioner is ineligible to file nomination from the category of women representative. He submits that similar provision is contained under Rule 20 of the Maharashtra Co-operative Election to Committee Rules, 2014, which provides that any Member whose name appears in the final voters list, may be nominated as the candidate for the election to fill a seat, if he is qualified under the provisions of Act, Rules and Bye-laws of the concerned Society. Hence according to him, provisions of Act, Rules and

Bye-laws are equally binding for considering the eligibility of the nomination papers filled in by the candidate.

9. Drawing the attention of this Court to the certificate of experience issued by the Ambika Majoor Co-operative Society, he would contend that, this certificate reflects that the petitioner has worked on one of the Advisory Committee of Agricultural Produce, which is not qualification as contemplated under Rule 35.1.2 (A-2) of the Act. The said Rule requires that the candidate should have an experience of having worked on the Managing Committee or should be currently working on the Managing Committee. In support of his submission that the Bye-laws are binding. He places reliance on the decision of this Court in the case of **Kishor Baburao Patil vs The State Of Maharashtra and Others - 2022 (4) Bombay Cases Reporter 617**, in which, while pronouncing the effect of disqualification based on the Bye-laws, this Court had taken a view that unless the Bye-laws which disqualifies the candidate is challenged, the disqualification based on such amended Bye-laws cannot be faulted with, particularly in view of the fact that the elections to the Managing Committee are to be conducted in adherence to the Act, Rules and Bye-laws. This Court refused to interfere with the order passed by the Returning Officer. It is therefore, submitted that the order passed by the Returning Officer as well as the First Appellate Authority i.e. respondent No. 1 does not require any interference at the hands of this Court.

10. After hearing the respective parties and after perusing the documents on record, it is evident that the petitioner who has filled her nomination paper from the woman reservation category, as provided under Section 73-C of the Maharashtra Co-Operative Societies Act. It is argued by the learned Advocate for the petitioner that irrespective of any other disqualification applicable to the other categories, her nomination is required to be accepted solely, on the basis as a member from the reserved category of woman, treating it as an independent category, as provided under Section 73-C of the Maharashtra Co-Operative Societies Act, which reads thus :

> *73C. [Reservation for women. [Section 73C was substituted by Maharashtra Act No. 16 of 2013 dated 13-8-2013, Section 34 (w.e.f. 14-2-2013).]*
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> *(1) Notwithstanding anything contained in this Act, or in the rules made thereunder, or in the by-laws of any society, there shall be two seats reserved for women on the committee of each society consisting of individuals as members and having members from such class or category of persons, to represent the women members.*
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> *(2) Any individual woman member of the society, or any woman member of the committee of a member-society, whether elected, co-opted or nominated, shall be eligible to contest the election to the seat reserved under sub-section (1).*
>
> *(3) Where no woman member or, as the case may be, women members are elected to such reserved seats, then such seat or seats shall be filled in by nomination from amongst the women members eligible to contest the election under subsection (2).*
>
> *(4) Nothing in this section shall apply to a committee of a society exclusively of women members.]"*

11. Section 73-C (i), begins with *non obstanate* Clause, which states that irrespective of anything contained in Act or Rules or Bye Laws of any Society, there has to be two seats reserved for a woman in the Committee, of which the Society consisting of individuals as members and having members from such Class or Category of persons to represent the woman members. Based on this provision, though it is contended by the petitioner that, since it begins with the *non obstanate* Clause which requires two seats be reserved for the woman as individual members, therefore, the candidature of the petitioner should be considered independently of her status as representative of the society to whom she represents. In her nomination form, at item No. 6 (2), she has stated that, her name is registered as voter from the Primary Agricultural Co-Operative Credit Society. It also needs to be appreciated that there is no provision for individual members, to be a member of Managing Committee in the Bye Laws of the Bank. The Bye-laws provided for constituencies under the head of Managing Committee with various categories from A to M. Various reservations are provided under category -M, such as for Scheduled Caste Category, OBC Category, VJNT and Special Backward Category and the women representative. One seat each is provided for caste reservation and two seats for the women category. If any such category of members are not available, the members from respective category can be co-opted for filling in the vacancies. This Bye-law is in consonance with Section 73-C of the Maharashtra Societies Act, which mandates providing reservation of two seats for the woman on the Committee, of Society. Since there is no provision in Bye-law of the

Society for having individual members under the Managing Committee, the women reservation will have to be filled in, from amongst the representatives of the Society who are women. Though, it is submitted that, by not allowing individual members to fill in nominations, the very object of providing reservation is frustrated. I do not find any substance in this submission, since there is provision for co-option of the reserved categories as provided under Clause-M of the Bye-law No. 30 (1) of the Standard Bye-laws. Although, it is contended by the petitioner that, it is not necessary to file nomination as representative of the society, the fact remains that, the name of the petitioner has appeared in the voters list only as representative of the society and considering that there is no provision in the Bye-law for nomination of individual members, unless the challenge is raised to the Bye-laws. The submission of the learned Advocate for the petitioner to accept the petitioner's nomination as individual member cannot be accepted. Since the Bank is Federal Society, Section 73-CA would apply for the disqualification incurred by the members. The case of the petitioner would fall under Section 73-CA (1) (f) (iv), which provides that in case of District Central Co-Operative Bank, of a member incures disqualification under the Act, or Bye-laws of Rules the Society stands disqualified.

12. The arguments of the learned Advocate for the petitioner has to be considered, in view of the Rule 20 of the Maharashtra Co-Operative Societies (Election to Committee), Rules, 2014, which provides that any member whose name appears in the final voters list, may be nominated

as a candidate for the election to fill the seat, if he/she is qualified to be chosen under the provisions of Act, Rules and Bye-laws. It is evident that, the name of the petitioner in the voters list appeared in the representative capacity of the society to whom she represents and considering that there is no individual member provided in the Managing Committee of the Society, proviso to Rule 20 (i) would not be applicable. So far as, the individual member is concerned, the argument of the learned Advocate for the petitioner that, the candidature of the petitioner will have to be considered as individual, from woman category, irrespective of the fact that her name appeared in the voters list as a representative of the Society, is not acceptable, unless the Bye-law of the Society provides for membership of the individual members. The reliance placed on the decision in case of **Tarabai Kale Vs. the Returning Officer** (supra), would not be applicable to the facts of the present case, in view of the Bye-laws of the Society. The aforementioned decision of this Court was rendered particularly on the background of the fact that, the petitioner before the Court belonged to a non borrower category, was deprived from contesting the seat reserved for woman in the election of the Managing Committee of the Co-Operative Society. Her nomination was rejected on the ground that she being a member from non borrowing category, she can contest an election only for seats of reserved category for non borrowing member and not any other constituency. Based on such discrimination, her nomination was rejected. While deciding the issue, this Court has taken a view that, she cannot be disqualified on the ground that she belongs to non borrower category. If such restrictions

are allowed, it would frustrate the very object of providing reservation. In the instant case, there is no bar for any woman candidate of any category to apply for the seat which is reserved for woman. However, considering that there is no seat in the Managing Committee to be filled up by individual member, all the woman filling up the nomination forms, will have to fill up their nomination in the representative capacity. Thus, on this count, I do not find any error committed by the Returning Officer, as well as the Appellate Authority while passing the orders.

13. So far as, the objection on the ground of disqualification incurred in view of the Bye-laws No. 35.1.2 (A-2) is concerned, the record discloses that, the petitioner has not worked as a member of the Managing Committee of the V.K.S.S. Society, Ahmedplur. The certificate annexed to support her claim about the experience as a member of Managing Committee, V.K.S.S. Society discloses that she has worked on the Advisory Committee between 01.09.2022 to 31.03.2025. Whereas, the Bye-law mandates that a candidate should have an experience of working as member of the Managing Committee or is current member of such Committee. Admittedly, she is not a member of the Managing Committee and has no experience of working as a member of the Managing Committee of the V.K.S.S. Society, Ahmedpur. Assuming that the experience of working on the Managing Committee of other Society is also permissible, the experience certificate of working on the Managing Committee of the Ambika Majoor Co-operative Society produced by the petitioner alongwith the additional affidavit before the Appellate

Authority, stands falsified from the documents placed on record, which do not disclose the name of the petitioner in the list of the members of Managing Committee for 2017-2018, 2022-2023, 31.03.2019, 31.03.2020, 31.03.2021 and 31.03.2023, as well as 31.03.2024. The certified copies of the list of the members of the Managing Committee. Thus, the certificate of working on the Managing Committee of Ambika Majoor Co-operative Society, placed on record by the petitioner cannot be relied upon for accepting her claim.

14. Thus, in view of the aforementioned observations, I do not find any case for interference is made out by the petitioner, for causing interference in the orders passed by respondent No. 2, the Returning Officer dated 19.01.2026, as well as order passed by respondent No. 1, the Divisional Joint Registrar, Co-operative Societies, Latur, Division Latur dated 29.10.2026.

15. In the result the Writ Petition is dismissed.

16. The Rule is discharged.

(MANJUSHA DESHPANDE, J.)

Mahajansb/