IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 15589 OF 2026

Shri Bharat Tukaram Chamle,
Age. 54 years, Occ. Agri.,
R/o. Yeshwant Co-operative
Housing Society, Udgir,
Tq. Udgir, Dist. Latur. …P**etitioner**

Versus

1. The State of Maharashtra,
Through the Secretary,
In the Department of Co-operation,
Mantralaya, Mumbai – 32.

2. The State Co-operative Election Authority,
Through its Secretary,
Maharashtra State,
Central Building, Pune.

3. The Returning Officer /
Latur District Central Co-operative Bank
Ltd., Latur, Tq. And dist. Latur and
Residential Deputy Collector, Latur,
Tq. And Dist. Latur.

4. The Divisional Joint Registrar,
Co-operation Societies Latur.

5. The Latur District Central Co-operative
Bank Ltd., Latur, Tq. And Dist. Latur,
Through its Managing Director.

6. Chandrashekhar Orabhu Dandime,
Age. 56 years, Occ. Business,
R/o. Parivar Society, Khori Galli, Latur,
Tq. & Dist. Latur.

7. Baburao Hanmantrao Khandade,
Age. 52 years, Occ. Agri,
R/o. Gangapur, Tq. & Dist. Latur.

8. Bharat Dnyanoba Gore,
Age. 58 years, Occ. Service,
R/o. Yelamwadi, Post. Dhanora,
Tq. Nilanga, Dist. Latur.

9. Dharampal Ramrao Patil,
Age. 55 years, Occ. Agri.,
R/o. Shivni (M), Tq. Chakur, Dist. Latur.

10. Anup S/o. Dnyanoba Shelke,
Age. 48 years, Occ. Agri.,
R/o. Hippalgaon, Tq. Shirur Anantpal
Dist. Latur,
Presently R/o. Hotel Wada,
Ausa Road, Latur, Tq. & Dist. Latur.

11. Santosh Bhanudas Bembade,
Age. 50 years, Occ. Agri.,
R/o. Dhanegaon, Tq. & Dist. Latur.

12. Shri Keshav Netke,
Residential Dy. Collector Latur,
Tq. and Dist. Latur. … **Respondents**

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Advocate for Petitioner : Mr. A.N. Irpatgire
AGP for Respondent No. 1 : Ms. V.S. Chaudhari
Advocate for Respondent Nos. 2 & 3 : Mr. V.H. Dighe
Advocate for Respondent No. 5 : Mr. S.V. Advant
Advocate for Respondent No. 6 : Mr. A.V. Hon

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CORAM : MANJUSHA A. DESHPANDE, J.

RESERVED ON : 02.11.2026

PRONOUNCED ON : 04.11.2026

JUDGMENT :

1. Rule. Rule is made returnable forthwith and heard finally with the consent of the parties.

2. The Petitioner is challenging the order dated 19.10.2026, passed by the Returning Officer of Latur District Central Co-operative Bank, Latur, rejecting the nomination form filled by the Petitioner, which is confirmed by the Appellate Authority i.e. Divisional Joint Registrar Co-operative Society, Latur, vide its order dated 29.10.2026, in Appeal no. 98/2026.

3. Learned Advocate Mr. Irpatgire, for the Petitioner submitted that, pursuant to the election programme for the election of managing committee of Respondent no. 5 – Bank, was declared by Respondent no. 2. The Petitioner in the representative capacity on behalf of Late Ram Charadrao Patil Talegaonkar Sahakari Kharedi Vikri Sangha, Udgir (for short ‘RCPTSKVS, Udgir’), filed his nomination for the part of member of the Managing Committee. The name of the Petitioner is already included in the voters’ list of Respondent

no. 5 – Bank. Since the Petitioner belongs to OBC category and is eligible, he has filled his nomination paper from the reserved category of OBC constituency with requisite documents.

4. It is submitted that, Respondent no. 6, filed false and frivolous objections stating that, the Society represented by the Petitioner is not transacting the Bank account regularly with Respondent no. 5 – Bank, and therefore, prayed that Petitoner be disqualified to contest the elections as per Bye-law no. 35.1.B-3. A reply is filed by the Petitioner responding to the objection, bringing it to the notice of the Returning Officer that, the Society is having current account in Respondent no. 5 / Bank and there are transaction in the said account. It was also brought to his notice that the certificate issued by the Managing Director of Respondent no. 5 – Bank, is not having legal sanctity. Respondent no. 3 – Returning Officer, without application of his mind has rejected the nomination form of the Petitioner holding that, the Petitioner incurs disqualification in view of Bye-law no. 35.1.B-3. Even Respondent no. 4 – Appellate Authority, has confirmed the same view vide order dated 29.10.2026.

5. Mr. Irpatgire, raises challenge to the said order on the ground that, the Petitioner has filed nomination from the reserved category as provided under Section 73 B of the Maharashtra Co-operative Societies, Act, 1960 (for short ‘ the MCS, Act’). One member each for scheduled castes or tribes, other backward class and de-notified tribes and nomadic tribes or special backward classes, is provided under the said provision. He submitted that this reservation is provided with, a particular object of ensuring maximum participation of the persons belonging to the deprived class of society. Therefore, the usual disqualifications applicable to the general classes of constituencies provided under the Bye-laws of the Society would not be applicable to the reserved category provided under the provisions of the Act.

6. He further submitted that, Section 73 C of the MCS, Act, begins with an non-obstante clause which provides that irrespective of anything contained in the Act or any Rules or any Bye-laws of any Society, the State Government may by general or special order, direct, that three seats shall be reserved for the three categories mentioned in the said provision. He

would, therefore, submit that since the Section itself provides that there has to be reservation for each category as provided under Section 73 B, even if there is any other provision in the Act, Rules or in the Bye-laws that runs counter this Section, it will have to be igonered and cannot be made applicable. He, therefore, submitted that the disqualification i.e. based on the Bye-law no. 35.1.B-3 is bad in law.

7. It is submitted that the said Bye-law provides for eligibility as a member of the Managing Committee of the Bank, it is necessary that the Society affiliated to the Bank should maintain a current account with are regular transactions. According to him, the account of the Society is not dormant which can be gathered from the account statement of the current account of the Society for the period 23.12.2023 to 20.10.2026. The last transaction which deposited an amount of Rs. 2,100/- is dated 20.08.2026. It is his submission that apart from the objection of lack of business in the account, it is the grievance of the objector that, since its date of enrollment, the Society has not taken any loan for its business with the Bank as compared to the other members. Therefore, it is not expected that the

member Society which has not transacted with the Bank should get precedence, in the matter of representation on the Managing Committee of the Bank. He would submit that as far as this objection regarding failing to avail the loan facility from the Bank and thereby, not engaging in the transactions with the Bank is concerned, the Society has been consistently making Applications to the Bank Manager of its branch at Udgir as well as Latur, for extending the cash credit loan facility along with requisite documents. The Applications addressed to the Bank Manager dated 01.12.2022 and 06.04.2022 and a complaint to the Divisional Joint Registrar, Co-operative Societies, has been relied upon by the Petitioner to submit that the grounds raised by the Respondent are frivolous, since the request of the Society has been ignored for extending the cash credit loan facility. Thus, the Society cannot be held responsible for failing to transact with the bank. He, therefore, would submit that based on such frivolous grounds, the Petitioner cannot be deprived of his legitimate and statutory right of filing his nomination form to the Managing Committee of Respondent no. 5 – Bank.

8. Learned Advocate Mr. Hon, appearing for

Respondent no. 6 / Objector, submitted that the Petitioner incurs disqualification as provided under Section 73 CA (1) (f) (iv). According to him, if a candidate incurs disqualification as per the Bye-laws of the Society, he is ineligible to contest the elections of the District Central Co-operative Bank, which is a federal society. Reliance is also placed on Rule 20 of the Maharashtra Co-operative Societies (Election to Committee) Rules, 2014 (for short 'the Election Rules of 2014'). He would submit that even though, the proviso provides that any individual member of the Society or any member of a Committee of a Member Society to be elected, co-opted or nominated shall be eligible for the nomination as a candidate, yet fact remains that there is no individual membership of the Managing Committee of Respondent no. 5 – Bank. All the members are in the representative capacity of the Member Societies, hence the disqualifications provided for the representative of Member Society would be *ipso facto* applicable to the candidate who represent such Societies. He submitted that, the name of the Petitioner is included in the voters' list as a representative of the Society. Therefore, he

cannot claim that, he has filled in the nomination form as a independent member and thus the disqualification attached to the Society would not be applicable to his nomination. He has drawn attention of this Court to the various class of constituencies provided under the Bye-laws of the Bank to contend that all such are represented by various Societies. There is no provision for individual membership on the Managing Committee of the Bank. Thus, according to him, the disqualification incurred by the Society is applicable to the representative of such Society.

9. After hearing the Petitioner and the contesting Respondents for some time the state involved in the Writ Petition is about the ineligibility of the Petitioner who has filled in the nomination from the constituency of OBC as provided under Section 73 B of the MCS, Act, has been rejected on the ground that he incurs disqualification as per the Bye-laws no. 35.1.B-3. Petitioner has alleged *mala fides* against the Directors of the Bank and allegation of corrupt practices under Rule 81 and 86 of the Election Rules of 2014.

10. Upon perusal of the document which is relied upon by the Returning Officer to disqualify the Petitioner, it appears that a certificate has been issued by Respondent no. 5 – Bank on 16.10.2026, declaring that the Society who is member of Respondent no. 5 – Bank, is not regularly transacting with the Bank. It is claimed that the Bye-law no. 35.1.B-3 which has a binding effect provides that, the Society through whom the representative has filed the nomination, should regularly transact in the current account of such Society in the Bank. Such account should not be dormant, one year prior to the elections. So far as the second part is concerned, the account statement of the Petitioner with the Bank, discloses that, the account is operative and functional. As regards the necessity of regular transaction in the said account is concerned, there appears to be transactions on 12.09.2024, 03.12.2024, 19.03.2025, 19.03.2025, 24.09.2025, 03.10.2025, 26.03.2026, 26.03.2026 and 20.08.2026. Though these amounts are meager amounts, the Petitioner has demonstrated from the record that in spite of consistently requesting the Bank to extend the Society, the cash credit loan facility by way of Applications dated

01.12.2022, 06.04.2022, upon failing to get positive response to a complaint is made to the Divisional Joint Registrar, Co-operative Societies, Latur, bringing it to his notice that, the Society is not receiving any response to the Application of the Bank for the loan facility, thereby the Bank is acting contrary to the objects sought to be achieved as per its Bye-laws. Hence, in view of the documents placed on record, it is apparent that Respondent no. 5 – Bank has refused to act upon the Applications of the Society for extending them the loan facility. At the same time objection for failure of regular transaction with the Bank is raised. The conduct of Respondent no. 5 – Bank, clearly appears to be in contravention to the object of the Bank. Based on the account statement where there are regular transactions but of meager amounts, the Petitioner cannot be denied opportunity to contest the election by applying Bye-law no. 35.1.B-3.

11. Considering the advance stage of the election programme and in view of the consistent view of this Court as well as the Hon’ble Supreme Court that once the election programme is declared, the Court should be slow in interfering

in the same, unless there is a patent illegality on the face of record which requires interference. I am well aware of the jurisprudence surrounding interference under Articles 226 and 227 of the Constitution in election matters, as well as the catena of judgments delivered by this Court and the Hon'ble Supreme Court holding the field. This Court, in **Dattatray Genaba Lole and Others Versus Divisional Joint Registrar, Co-operative Societies in Writ Petition No. 5878 of 2021, decided on 26.11.2021,** has once again cautioned against interference in election matters. At the same time, it has carved out an exception permitting interference where the impugned order suffers from patent illegality. In the present case, I find it fit to interfere with the impugned order, particularly in light of the patent illegality committed by Respondent nos. 3 and 4. The interference at this stage is not likely to disturb or hamper the election process, since the last date for withdrawal nominations is tomorrow, i.e., 05.11.2026, and the ballot papers will be printed thereafter. Presently, the stage of the election programme is scheduled for withdrawal of nomination, and thereafter, there shall be final list of nominated candidates.

12. Thus, in my view even if the name of the Petitioner is included in the validly nominated candidates', at this stage, it is not likely to cause any interference in the election process. Particularly, in view of the fact that the nomination of the Petitioner has been rejected on frivolous grounds which is not supported by any document.

13. Thus, in the conspectus of the matter, I find that the Petitioner has made out a case for interference in the order passed by the Returning Officer as well as the Appellate Authority in view of the patent illegality that appears on the face of record. In the result, the Writ Petition is allowed in terms of prayer clause 'B' and 'C'.

14. Rule is made absolute in the above terms.

(**MANJUSHA A. DESHPANDE, J.)**

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