IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 15587 OF 2026

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. Shri. Dhiraj S/o. Vilasrao Deshmukh
Age. 40 years, Occ. Business,
R/o. Babhalgaon, Tq. & Dist. Latur.

7. Shri. Sant Shiromani Maroti Maharaj
Sahakari Sakhar Karkhasna Ltd.
Belkund, Tq. Ausa, Dist. Latur,
Through its Representative,
Sachin S/o. Subhash Patil

8. 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.Dr.Kalpalata Patil Bharaswadkar
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. D.J. Choudhari

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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 by the consent of the parties.

2. The challenge in this Writ Petition is to the rejection of the nomination of the Petitioner for the membership of the managing committee of Respondent no. 5 / Bank, by Respondent no. 3/ Returning Officer vide order dated 19.10.2026 and later on by the Appellate Authority i.e. the Divisional Joint Registrar Co-operative Societies, who has

exercised his power under Section 152 A of the Maharashtra Societies Act (for short ‘the MCS, Act’), dismissed the Appeal vide order dated 29.10.2026.

3. Learned Advocate Mr. Irpatgire, for the petitioner submitted that the Respondent no. 3 published the election programme of managing committee of Respondent no. 5 – Bank, in view of Rule 18 of Maharashtra Co-operative Societies (Election to Committee) Rules, 2014 (for short ‘the Election Rules of 2014’). The Petitioner represents the Late Ram Chandrarao Patil Talegaonkar Shahakari Kharedi Vikri Sangh Limited, Udgir (for short ‘RCPTSKVSL, Udgir’). Pursuant to the Resolution passed by the Managing Committee of the Society, his name is included in the final voters’ list of Respondent no. 5 – Bank. The Petitioner has submitted his nomination paper from the processing and marketing Society's constituency in the election of Respondent no. 5, along with requisite documents. Respondent no. 6 who is a politically influential person opposed the nomination of the Petitioner. During the scrutiny of nomination, Respondent no. 6 has objected to the nomination of the Petitioner, through

Respondent no. 7. An objection is filed raising a ground that the Society represented by the Petitioner is not having regular transaction with Respondent no. 5 – Bank. Therefore, he is disqualified to contest the election as per Bye-law no. 35.1.B-3, in spite of bringing to the notice of Respondent no. 3, that the Society is having a current account in the Bank and has transaction in the said account. Reliance is placed by Respondent no. 7 on the certificate issued by the Managing Director of Respondent no. 5 - Bank. It is submitted that Respondent no. 3 has wrongly rejected the nomination of the Petitioner holding that, there are no consistent transaction in the bank account. Even in the appeal filed by the Petitioner, the Appellate Authority has not appropriately appreciated the issue in question and has acted under political pressure while passing the order dated 29.10.2026.

4. During the course of his submission the learned Advocate for the Petitioner has drawn attention of this Court to the certificate issued by the Executive Director of Latur District Central Co-operative Bank, which certifies that the account of the Society whom the Petitioner represents is not consistent and

regular. Referring to Bye-law no. 35.1.B-3, it is submitted that for eligibility as a member of Managing Committee of the Bank, it is necessary for the Society affiliated to the Bank, should maintain a current account in with regular transactions. It is submitted that although a certificate is issued by the Executive Director of the Bank that there are no regular and consistent transactions, the documents in the form of account statement of the RCPTSKVSL, Udgir, from 01.04.2025 to 13.03.2026 discloses that there are regular transaction and the account is not dormant. There are deposits on 24.09.2025, 30.09.2021, 12.09.2024, 19.03.2025 and 26.03.2026, to the account of the Society. It is, therefore, submitted that the ground on which nomination of the Petitioner is rejected is contrary to the record.

5. It is submitted by the Petitioner that, although the nomination of the Petitioner is rejected in view of the Bye-laws, the Petitioner is only governed by the provisions of the MCS, Act, more particularly, Section 73 CA (1)(F)(ii) is the provision that governs the disqualification of member Society, for contesting elections in the Bank. Since the petitioner is not

disqualified on either of the counts mentioned in the aforementioned provision, the Bye-laws that are contrary to the provisions of Act, cannot be made applicable to the Petitioner. He submitted that if the Bye-laws are contrary to the statutory provision, the provisions of Maharashtra Co-operative Societies Act would prevail.

6. It is further submitted that though the Society to whom the Petitioner represents had filed Applications to the Manager of Respondent no. 5 – Bank from 06.04.2022 onward for grant of cash credit loan facility, no response is received by the Society. Thus, the Society was constrained to file a complaint about failure of Respondent no. 5 – Bank, to respond to the Society on 29.05.2022. The learned Advocate, therefore, contends that on the one hand Respondent no. 5 - Bank is claiming that there are no regular transactions by the Society and on the other hand, where the Society had requested for making available the cash credit loan facility, no response is given by the Bank. Thus, the Bank cannot absolve itself, from the responsibility of failing to respond to the Society and then claim that there are no transactions with the Respondent no. 5 –

Bank. Even though, this conduct of the Bank was brought to the notice of the Appellate Authority, even he has failed to appreciate this fact and held that the Society to whom the Petitioner represents is not acting in furtherance of the object of the Bank. Thus, according to him, the objection of the Returning Officer as well as the Appellate Authority, deserves to set aside.

7. Mr. Dighe, learned Advocate for Respondent nos. 2 and 3 submitted that, there is nothing wrong with the order passed by the Returning Officer as well as the Appellate Authority. Both the Authorities have rightly taken into consideration the failure of the Society to transact in regular business with Respondent no. 5 – Bank and has passed appropriate orders.

8. Learned Advocate Mr. D.J. Chaudhary, for Respondent no. 6, submitted that, objects of Bank is provided in the Bye-laws and the Bank has to act in furtherance of the object so as to achieve the objects stated in the Bye-laws. It is submitted that although the Society to whom the Petitioner

represents is an account holder of the Bank. However, it should have availed loan in the regular transaction of business from the Respondent no. 5 – Bank. It is submitted that since its registration, no loans are availed by the said Society. The entries of paltry amount do not amount to regular transactions and they are not beneficial for the Bank. He submitted that the Appellate Authority has rightly observed in its order that on a demand made to the Bank, after verifying original record, a certificate is issued by the Bank on 16.10.2026, which discloses that RCPTSKVSL, Udgir, does not have regular transactions with the Bank, except some entries of deposit of paltry amounts. Hence, according to him, the Petitioner has failed to prove that the Society is in regular transaction with Respondent no. 5 – Bank, which is a mandatory condition for contesting election of the Managing Committee of Respondent no. 5 – Bank. He submitted that along with the provisions of the MCS, Act, even the Rules of 2014 and Bye-laws are equally binding on the parties.

9. Upon hearing the respective parties and perusal of the record, the short issue involved in the matter is about the

applicability of Bye-law no. 35.1.B.3 of the Bye-laws of Respondent no. 5 – Bank. Admittedly, the aforementioned Bye-law, provides that the candidate filing the nomination who is affiliated to the Member Co-operative Society of the District Co-operative Bank, should hold a current account with regular transactions with the Bank. It is further provided that, the affiliated Member Society should have regular transactions in the Bank account for a duration of one year prior to the elections. If such account remains dormant, the candidate incurs disqualification. Thus, there are two conditions; (i) the account should be in operation one year prior to the date of election and (ii) it should engage in regular transaction with the Bank. The account statement placed on record discloses that although there are meagre amounts transacted through the current account of the Society, however, it appears that there are certain deposits made in the account which is disclosed through the account statements for the period 01.04.2025 to 31.03.2026, 01.04.2021 to 23.12.2023 and 23.12.2023 to 20.10.2026. In all these account statements, certain small amounts are transacted during the aforementioned period. Therefore, it cannot be held that the

account has been dormant for the period of one year prior to the election. Similarly, it cannot be held that there are no regular transactions in the current account of the Society. The documents annexed to the Writ Petition discloses that the Petitioner representing RCPTSKVSL, Udgir, has consistently requested the Bank to make available the cash credit loan facility to the Society. The communications addressed to the Manager of the Bank dated 06.04.2022, 30.03.2022 and 01.12.2022, are forming part of record, which discloses that the Society has been consistently making request to Respondent no. 5 – Bank for extending them the cash credit loan facility. Since Respondent no. 5 – Bank, has failed to accede to their request, the Society has filed a complaint to the Divisional Joint Registrar, Latur, on 29.12.2022.

10. Thus, on the basis of the documents placed on record, it is disclosed that though Respondent no. 5 – Bank is claiming that there are no regular transactions in the Bank account of the Society, yet on the other hand, the request for the loan facility has not been favourably considered in spite of persuasion by the Society. Thus, the Respondent no. 5 – Bank,

cannot be allowed to blow hot and cold at the same time. The Bye-law no. 35.1.B.3 does not disqualify the Petitioner, since regular transaction are seen in the current account of the Society, though of paltry amount. On that count the Petitioner cannot be deprived of to file his nomination to the Managing Committee of Respondent no. 5 – Bank.

11. Since this Court has come to a conclusion that Bye-law no. 35.1.B.3 is not attracted in the present case, it is not necessary to delve deep into whether the Bye-laws are applicable and its effect on the MCS, Act, in the present Writ Petition.

12. 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 of nominations is tomorrow, i.e., 05.11.2026, and the ballot papers will be printed thereafter.

13. In the result, the Writ Petition is allowed in terms of prayer clause ‘B and ‘C’. The order passed by Respondent no. 3 – Returning Officer dated 19.10.2026 and the order dated 29.10.2026, passed by Respondent no. 4 - Appellate Authority, are set aside. The Election Authorities are directed to include the name of the Petitioner in the voters’ list forthwith.

14. Rule is made absolute in the above terms.

(MANJUSHA A. DESHPANDE, J.)

SPC