



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

921 WRIT PETITION NO. 4073 OF 2026

Bhagwan Marotrao Vatane
Age-63 years, Occupation-Agriculture,
R/o. Wajar (Bk), Post Wajar,
Tq. Jintur, Dist. Parbhani.

... PETITIONER

VERSUS

1. The State of Maharashtra,
Through Additional Chief Secretary,
Cooperation, Marketing & Textile Department,
Mantralaya, Mumbai-400032.
2. The Commissioner for Cooperation & Registrar for
Cooperative Societies, Maharashtra State, Pune.
Central Administrative Building,
Shivaji Nagar, Pune.
3. The Divisional Joint Registrar,
Cooperative Societies, Chhatrapati Sambhajnagar.
Bhuvikas Bank Building,
Kranti Chowk, Chhatrapati Sambhajnagar.
Tq. & Dist. Chhatrapati Sambhajnagar.
4. The District Deputy Registrar,
Cooperative Societies, Parbhani
Chhatrapati Shivaji Chowk,
Parbhani.
5. The District Deputy Registrar,
Cooperative Societies, Hingoli
6. The State Cooperative Election Authority,
Maharashtra State, Pune.
Through its Secretary

7. The District Cooperative Election Officer
& Divisional Joint Registrar,
Cooperative Societies, Chhatrapati Sambhajanagar.
Bhuvikas Bank Building, Kranti Chowk,
Chhatrapati Sambhajanagar.
Tq. & Dist. Chhatrapati Sambhajanagar.
8. The Parbhani District Central Cooperative Bank
Limited Parbhani,
Near Chhatrapati Shivaji Chowk, Parbhani,
Through its General Manager

... RESPONDENTS

Mr. Shahaji B. Ghatol Patil, Advocate for the Petitioner
Ms. Neha B. Kamble, AGP for Respondent Nos.1 to 5 – State
Mr. S. K. Kadam, Advocate for Respondent Nos.6 and 7
Mr. S. S. Gangakhedkar, Advocate for Respondent No.8

CORAM : SMT. VIBHA KANKANWADI AND
AJIT B. KADETHANKAR, JJ.

DATE : 23.04.2026

JUDGMENT :- *(Per Ajit B. Kadethankar J.)*

. Rule. Rule made returnable forthwith. Considering the urgency in the matter, and the subject-matter raised in the petition, we have heard the parties for final disposal of the Writ Petition.

1. **Preface:**

The general elections to the Parbhani District Central Co-operative Bank ltd. (hereinafter referred to as “ the P.D.C.C. Bank” for the sake of convenience and brevity) are underway. The District Co-operative Election Officer @

Divisional Joint Registrar, Co-operative Societies, Chhatrapati Sambhajinagar has called upon all the co-operative Societies affiliated to the P.D.C.C. Bank to send the names of their Delegate/Representative for the purpose of their inclusion in the voters list lastly by today i.e. on or before 23rd April 2026.

At this juncture, the Petitioner seeks stay to the election process on the count that the election of his Primary Agricultural Co-operative Society is not yet held. He seeks directions to stall the P.D.C.C. Bank until election to his society is conducted.

2. The Petitioner has come up with following prayers :

“A] The Writ Petition may kindly be allowed.

B] By issuing appropriate writ or directions the impugned communication bearing No. ADMIN-1/Parbhani D.C.C. Bank / Election Resolution / 616/2026 dated 20/03/2026 issued by the respondent no.7- District Cooperative Election Officer and Divisional Joint Registrar, Cooperative Societies, Chh. Sambhajinagar may kindly be quashed and set aside and

B] By issuing appropriate writ or directions the respondents may kindly be directed to first to hold the elections of member Primary Agricultural Credit Cooperative Societies of the respondent No.8 Parbhani D.C.C. Bank of whose term managing committee is expired and due for election and after election and coming in force new managing committee on such PACS societies to hold the elections of Respondent No.8 Parbhani D.C.C. Bank after the newly elected committee took the charge over such member PACS societies of Parbhani D.C.C. Bank and for that

purpose issue necessary orders.

C] Pending hearing and final disposal of this Writ Petition, the impugned communication issued by the respondent no.7 bearing No. ADMIN-1/Parbhani D.C.C. Bank / Election Resolution /616/2026 dated 20/03/2026 may kindly be stayed.

D] Pending hearing and final disposal of this Writ Petition, the respondent State Authorities may kindly be directed to hold the elections of member of PACS societies of Parbhani D.C.C. Bank whose term of managing committee is expired expeditiously within a stipulated period and not to hold the elections of Parbhani D.C.C. Bank till such period of election of member PACS societies are over.

E] Ad interim relief in terms of prayer clause "C" & "D" may kindly be granted.

F] Any other suitable and equitable order may kindly be passed in favour of the petitioner."

3. **Facts in brief :**

a] Petitioner is a member of a village Wazar (Bk.), Miscellaneous Executive Services Co-operative Society Ltd. (विविध कार्यकारी सेवा सहकारी संस्था मर्यादित), Tq. Jintur, Dist. Parbhani. (hereinafter referred to as 'the M.E.C.S. Society' for the sake of brevity)

b] The society is registered under the Maharashtra Co-operative Societies Act, 1960, (hereinafter referred to as 'the Act' for the sake of brevity). The Society is classified as a Primary Agricultural Credit Co-

operative Society (hereinafter referred to as “the P.A.C Society.” for brevity).

c] The P.D.C.C. Bank is also a society registered under the Act, and classified as a Federal Society.

d] The P.A.C. Societies are affiliated to the Federal Society, and have a privilege to vote in the election to the Federal Society, of which the particular P.A.C. society is a member. In the case in hand, the Wazar (Bk.) M.E.C.S. Society is a member of the P.D.C.C. Bank.

e] The term of Wazar (Bk.) M.E.S.C. Society was for five years i.e. 2020-2025. As such, at present, elected executive body of the Society is not in existence. Its tenure is lapsed by efflux of time.

f] The term of the P.D.C.C. Bank was to end by 22.03.2026 by efflux of time. Hence, the District Co-operative Election Officer @ Divisional Joint Registrar, Co-operative societies, Chhatrapati Sambhajnagar initiated the election process. Necessary instructions were issued by the said election authority to the Chief Executive Officer of the P.D.C.C. Bank on 20.03.2026.

g] In terms of the Act and the Maharashtra Co-operative Societies

(Election to Committees) Rules 2014 (“Rules of 2014” for brevity), the Election Authority even called upon all the affiliated P.A.C. Societies including Petitioner’s society, to send name of its Delegate for election to the P.D.C.C. Bank on or before 23.04.2026.

h] It’s a matter of fact that out of the total affiliated P.A.C. Societies, some are unmanned at present while some are undergoing their own election processes.

i] At this juncture, the Petitioner has approached this Court u/s 226 of the Constitution of India thereby praying to stall the elections to the P.D.C.C. Bank until election to his society i.e. Wazar (Bk.) M.E.S.C. Society is conducted.

4. **Submissions :**

a] Mr. Shahaji Ghatol Patil, learned advocate for the Petitioner would submit that the P.A.C. Societies have privilege to have their representation in the election to the Federal Societies i.e. P.D.C.C. Bank in this case.

b] He submits that, unless elections of the P.A.C. Society, Wazar (Bk.) is conducted, the election to the P.D.C.C. Bank could not be completed.

He would submit that in the absence of necessary voter in the election, the election to the P.D.C.C. Bank would be meaningless.

c] He further submits that, the P.A.C. Society, Wazar (Bk.) is a member of the P.D.C.C. Bank i.e. the Federal Society. The election process is a democratic election process. Hence, it is necessary that the P.A.C. Society, Wazar (Bk.) must get an opportunity to send its delegate in the election process of the federal society. He would rely upon various provisions u/s 73 of the Act.

d] Mr. Ghatol Patil submits that for years together the State Government postponed the elections to the Co-operative societies in the State on various counts i.e. Covid-19, Parliamentary elections and State Assembly elections, heavy rainfall etc. His grievance is that, a number of societies like the Wazar (Bk.) M.E.S.C. Societies are presently unmanned due to failure on the part of the State Co-operative Authorities to conduct the general elections timely. He submits that to ensure that the election to the Federal society truly goes in democratic way, first the elections to the P.A.C. Societies must be held. With this, Mr. Ghatol Patil prays to allow the Writ Petition.

e] Mr. Sahebrao Kadam, learned Standing Counsel for the State Co-

operative Election Authority as also Mr. Shailendra Gangakhedkar appearing for the P.D.C.C. Bank would oppose stalling of the election to the P.D.C.C. Bank.

f] Mr. Kadam submits that elections of around 80% of the P.A.C. Societies, which are affiliated to the P.D.C.C. Bank Ltd., are already over. Elections to the rest of the societies could not be conducted due to deficiency on the part of such societies in submitting the necessary fees and some other compliances. He submits that even some societies are also undergoing their election process.

g] Mr. Kadam, tries to convince us that the apprehension of the Petitioner as is pretexted by Mr. Ghatol Patil is not true. He would submit that conduct of election to the P.A.C. Society has nothing to do with the election to the P.D.C.C. Bank. He would submit that the society may, by conducting General Body meeting propose its Delegate for the purpose of election to the P.D.C.C. Bank. He clarifies that it is not that only member of an elected executive committee of a P.A.C. Society can be sent as Delegate to the Federal Society's election. In nut shell, Mr. Kadam explains that in no case it can be said that only for want of election, a P.A.C. Society would be deprived of its Delegate in the

election to the P.D.C.C. Bank Ltd. For that, he adds that the terms of the elected body stands expired, still the Society remains functional.

h] Besides echoing the arguments advanced by Mr. Kadam for the Election Authority, Mr. Shailendra Gangakhedkar, learned Counsel representing the P.D.C.C. Bank adds that the election to the P.D.C.C. Bank is underway, and in no case it be stalled. He submits that the Petitioner can very well move to the Co-operative Society authorities for conduct of general body meeting and also for appointment of a delegate. He submits that it is for the Petitioner to pursue the Co-operative authorities, particularly the election authorities for early conduct of elections to his society. Mr. Gangakhedkar concludes his argument with a prayer to dismiss the Writ Petition.

i] Ms. Neha Kamble, learned Assistant Government Pleader would submit that it is for the Petitioner and his society to move for conduct of its election. She would submit that elections to the co-operative societies are within the domain of the Co-operative Authorities under the Act and the Rules of 2014. However, Ms. Kamble shows her inability to answer as to whether any administrator is manning Petitioner's society at this time or not.

5. **Consideration :**

a] We have heard the respective advocates for the parties. It is an apparent fact that the tenure of the earlier elected body to the Wazar (Bk.) M.E.S.C. Society is over in the year 2025. There is nothing before this to indicate as to whether the State Government has ended the earlier body vide any express order. We also called upon Ms. Neha Kamble, Learned Assistant Government Pleader to explain whether the concerned P.A.C. Society is administered by any Administrator. However, for want of any instruction Ms. Kamble is unable to answer the query. Even Mr. Ghatol Patil also finds himself short of instructions on this vital point. He merely submits that P.D.C.C. Bank elections be stayed until the Authorities conduct election to his P.A.C. Society.

b] May it be, the facts of the case and the arguments of learned advocates narrow down the issue in the petition as regards to necessity of election to the P.A.C. Society prior to conduct of election to the P.D.C.C. Bank. The core argument as posed by the Petitioner is, Delegate of a society affiliated to the Federal Society must be a member of an 'elected body' of such P.A.C. Society; and that's why unless elections to all the P.A.C. Societies are over, no election to the Federal Society can be

conducted.

c] On the other hand, as per the arguments of Mr. Kadam and Mr. Gangakhedkar, election to the executive committee of a P.A.C. Society is a one thing, while its representation through a delegate in an election to the Federal Society is an another thing.

d] Elections in questions are governed by the Maharashtra Co-operative Societies Act and the Rules framed thereunder, as amended from time to time.

e] Election to the P.A.C. Societies is a continuous process. Their tenure is different, and hence the occasions to conduct elections to those P.A.C. Societies are also different. For the sake of convenience, the Election Authorities may club elections to some P.A.C. Societies. However, elections to the all P.A.C. Societies affiliated to a Federal Society in one stroke is impracticable.

f] Learned advocate for the Petitioner could not point out any provision to us to indicate that only an elected member of a P.A.C. Society can be sent as Delegate for the election to the concerned Federal Society. On the other hand, Mr. Kadam and Mr. Gangakhedkar pointed out Rule 10(4) of the Rules of 2014 even name of a

Delegate/representative can be altered till 5th day prior to the last date fixed for filing the nomination. For the sake of convenience, Rule 10 of the Rules 2014 reads thus :

“10. Particulars to be included in the provisional list of voters for the societies having society or society and individuals as members

(1) The provisional list of voters in case of individual members shall contain the surname, name, father's or husband's name, age, gender (in alphabetical order) if any, with address recorded in the register of members in Form E-3' of every person entitled to be registered as voter with such other particulars as may be necessary to identify him.

(2) Where a society or firm is the member of Society, the District Co-operative Election Officer or the Taluka or Ward Co-operative Election Officer shall publish a date for calling the name of representative, one hundred and fifty days prior to the date of expiry of term of office of the Committee. And such society shall send the name of representative duly authorized to vote at the election on behalf of the society or firm, so as to reach it to the office of the District Co-operative Election Officer or Taluka or Ward Co-operative Election Officer at least one hundred and twenty days prior to the date of expiry of term of office of the Committee. The representative authorized by the member society shall be an active member of the member society.

(3) While communicating the name of the representative to the society the affiliated society shall enclose a copy of the resolution of the annual general body meeting of the society or its committee ¹[* *], where the representative is so authorized. The society shall include in the list of voters the names of all such representatives as have been communicated to it before the date fixed for publication of the provisional list of voters by the District*

Co-operative Election officer or Taluka or Ward Co-operative Election Officer. ¹[* *], the list shall contain the name of the affiliated societies, their registration numbers and addresses ¹[* * *], ²[and the name of representative if any].*

(4) A society which has communicated the name of its representative shall, by like resolution, be permitted to change the name of its representative only ¹[in case of death of the representative or resignation by the representative or if such representative is found to be disqualified on adjudication by the competent authority under any of the provisions of the Act, rules, by-laws] or where there is newly elected committee of the member society not later than five days before the last date for making nominations.

What we find is that, in view of the Rule 10, Sub-Rule 2, a delegate/representative authorized by the member society, i.e. P.A.C. society shall be an active member of the member society. Thus, it cannot be accepted that only an elected member to the executive body of a member society can be sent as a delegate/representative under Rule 10 of the Rules of 2014. A member who is an active member of the concerned P.A.C. society can be authorized by the society to represent such P.A.C. society in the election to the federal society. The procedure is detailed in the Rule 10 itself.

g] In the light of above discussion, we do not agree with the apprehension expressed by Mr. Ghatol Patil, learned advocate for the Petitioner that conduct of election to the P.D.C.C. Bank without

conducting election to the Wazar (Bk.) P.A.C. Society would invalidate the election of P.D.C.C. Bank.

h] One more aspect of the matter also needs to be taken into consideration. As per the various official communications issued by the District Co operative election officer, today i.e. 23rd April 2026 is the last date for sending the names of P.A.C. Societies' Delegate/representative. The Petition is filed on 06.04.2026.

i] It is not in dispute that the tenure of Wazar (Bk.) M.E.C.S. Society is lapsed in 2025 itself. The Petitioner didn't move to this court earlier. At the last hour the petition is filed. On 20.03.2026, the election officer issued notice/communication to the Wazar (Bk.) P.A.C. Society calling upon it to send name of the delegate/representative. The Petitioner, under his signature as Chairman of the society answered the communication requesting to conduct the P.D.C.C. Bank election after elections to the P.A.C. Societies are over. He repeated same request on 02.04.2026, however neither approached the Co-operative authorities nor approached this Court earlier. Whether Petitioner's society had sent name of its Delegate to the Election Authority is not made known to us. Nothing prevented the Petitioner to move to the authorities for sending

name of his society's delegate within time.

j] We agree with the submissions advanced by Mr. Sahebrao Kadam, Learned Counsel for the Election Authority if Petitioner's apprehension is accepted, it would stall the elections to the Federal Society for indefinite period. Rule 10(4) of the Rules of 2014 clarifies that even after conduct of election to the P.A.C. Society during election process to the Federal Society, name of a delegate could be altered on account of fresh election to the P.A.C. Society.

k] As such, an apprehension raised by the Petitioner is misconceived. The Petitioner/his society had ample opportunity to send the name of his any delegate to the election authority for the purpose of election to the P.D.C.C. Bank Ltd. Whether the Petitioner/his society availed that opportunity or not, is best known to the Petitioner. Even failure on the part of the Petitioner/his society for arranging communication of its delegate's name can not vitiate the election process to the P.D.C.C. Bank Ltd.

l] Hence, we are not inclined to interfere in the ongoing election process to the P.D.C.C. Bank Ltd. at this juncture. So far as election to Petitioner's P.A.C. Society is concerned, it is for him or the society to

comply all the formalities for early conduct of its elections and to move to the authorities accordingly.

m] For the reasons record above, we are not inclined to interfere into the ongoing election process to the P.D.C.C. Bank ltd. at this juncture.

Hence we pass following order :

ORDER

- I. The Writ Petition is dismissed.
- II. Rule stands discharged.
- III. No costs.

(AJIT B. KADETHANKAR, J.)

(SMT. VIBHA KANKANWADI, J.)