IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5330 OF 2026

Lokhit Ma. Grahak Sahakari Sanstha Mary. Bukkalguda
VERSUS
The State Co- Operative Election Authority M.s. Pune And Others
...
Advocate for the Petitioner : Mr. K.J. Suryawanshi h/f Mr. Kawale Laxman H.
Advocate for Respondent Nos.1 & 2 : Mr. S.K. Kadam
Advocate for Respondent No.3 : Mr. Pathade Vishweshwar Haribhau
...

CORAM : S. G. CHAPALGAONKAR, J.
(VACATION COURT)

DATED : MAY 26, 2026

ORDER :-

1. Present writ petition impugns order dated 04.05.2026 passed by respondent no.2/District Co-operative Election Officer and Divisional Joint Registrar Co-operative Societies, Chhatrapati Sambhajinagar, thereby rejecting application of petitioner-society to include petitioner's name in voters list of respondent no.3 of Aurangabad District Central Co-operative Bank, Chhatrapati Sambhajinagar.

2. The petitioner is a member society of respondent no.3 – ADCC Bank. The elections of board of directors of respondent no.3 – bank are due. On 06.03.2026, respondent no.2 issued a notification requiring member societies to submit resolution appointing its delegate/representative for preparation of provisional voters list. On 05.04.2026, petitioner-society passed resolution nominating its

representative to participate in election of respondent no.3 – bank. Unfortunately, Manager of society failed to submit resolution in office of Deputy Registrar Co-operative Societies. On 27.04.2026, respondent no.2 published provisional voters list. However, name of petitioner – society was not included in list. On inquiry, petitioner came to know that Manager of society failed to submit resolution on or before 09.04.2026 in office of Deputy Registrar. Hence, name of petitioner-society is not incorporated in provisional list. On 28.04.2026, petitioner made application to respondent no.2 to include name of petitioner - society in voters list. However, same has been rejected vide order dated 04.05.2026.

3. Perusal of record tendered into service before this Court shows that petitioner – society had passed resolution nominating its delegate to participate in election of managing committee of ADCC Bank. Unfortunately, communication in this regard was not made to competent authority. Eventually, name of petitioner – society was missed from inclusion in provisional voters list of ADCC Bank. It is not disputed that petitioner is a member society of ADCC Bank. Rule 11 of Maharashtra Co-operative Societies (Election to Committee) Rules, 2014 provides for claims and objections to provisional voters list and final list of voters for societies. The objection regarding any omission or error in respect of name or address or other particulars in list may be brought to the notice of District Co-operative Election

Officer in writing, who after such inquiry as deemed necessary in this regard, consider each claim or objection and give its decision thereon and prepare final list of voters.

4. The petitioner had accordingly raised objection before respondent no.2. However, same has been rejected. Apparently, effect of non-inclusion of petitioner's name in provisional voters list would adversely affect petitioner's substantive right to participate in election of ADCC Bank. It is not disputed before this Court that petitioner is a member society and entitled to participate in election. The society had already passed a resolution as per notification published by respondent no.2 nominating its representative for participating in election of ADCC Bank. The failure to communicate same was a sheer mistake on part of Manager of society for which entire society shall not suffer.

5. The respondent no.2 has adequate powers to take corrective steps while preparing final voters list. In this backdrop, keeping in mind democratic set up and right of petitioner's society to participate in election of federal society, respondent no.2 ought to have adopted pragmatic approach and exercised jurisdiction vested with him in terms of Rule 10(4) read with Rule 11 of Rules of 2014. The inclusion of petitioner's name in voters list would better serve democratic object instead of frustrating petitioner's right to participate in election giving importance to technicalities.

6. In similar set of facts, this Court in case of ***Adiwasi Seva Sahakari Sansth Vs. Hon'ble Collector and Anr*** reported in ***2011 (5) Mh.L.J. 745***, entertained writ petition against non-inclusion of name of representative of petitioner by taking pragmatic view of matter. In present case also, case is made out to entertain writ petition.

7. In result, writ petition deserves positive consideration. Hence, allowed in terms of prayer clause (B) and (C).

(S.G. CHAPALGAONKAR, J.)

Mujaheed//