



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL WRIT PETITION NO. 5368 OF 2026

Shaikh Huzaif Shaikh Farok

...Petitioner

Versus

Shri Atul Moreshwar Save and Others

...Respondents

- Mr. V. D. Salunke, Advocate for the Petitioner
- Mr. V. D. Hon, Senior Advocate i/by Mr. A. S. Kulkarni, Advocate for the Respondent No. 1
- Mr. S. K. Kadam, Advocate for Respondent No. 2
- Mr. P. B. Kadam, Advocate for Respondent No. 3

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

DATE : MAY 28, 2026

P. C.:

1. The Petitioner impugns order dated 18.05.2026 passed by District Cooperative Election Officer and Divisional Joint Register Cooperative Societies, Chhatrapati Sambhajnagar / Respondent No. 2, whereby Petitioner's objection to include name of Respondent No. 1 in list of voters for election of Aurangabad District Central Cooperative Bank Ltd (for short '**DCC Bank**'), has been rejected.

2. The elections of Respondent No. 3 DCC Bank were due. The Respondent No. 2 Election Officer published notification dated 10.03.2026 inviting resolutions from member societies thereby nominating delegates. The election officer published provisional voters list. The petitioner raised objection to

inclusion of name of Respondent No. 1 from constituency of non-agricultural societies contending that Respondent No. 1 is not a simple member of Shankar Maharshi Annasaheb P. K. Patil Nagari Sahakari Path Sanstha, Nageshwarwadi (for short '**P. K. Anna Society**'). He is neither elected as a member nor director of said society. However, he is appointed as delegate and included in provisional voters list. The Respondent No. 1 justified his nomination as delegate of P. K. Anna Society on ground that he has been appointed as committee member vide resolution No. 2 dated 15.05.2022 passed by Society. He has been co-opted as expert director. Accordingly, he has been nominated as delegate vide resolution dated 05.04.2026. The Respondent No. 2 rejected Petitioner's objection observing that issue of membership of Respondent No. 1 cannot be gone into under Rule 11 of Maharashtra Cooperative Societies (Election to Committee) Rules, 2014 (for short '**Rules of 2014**').

3. Mr. V. D. Salunke, learned Advocate appearing for Petitioner, submits that Respondent no. 1 is not eligible to vote and contest elections being expert co-opted member in terms of bye-laws of societies. Proviso 10 of Section 73 AAA(1) specifically stipulates that expert director has no right to vote at any election of society and he shall not be eligible to be elected as office bearer of committee. The Respondent No. 2 ignored said legal position and failed to judiciously exercise jurisdiction vested with him under Rule 11 of Election Rules.

4. Per contra, Mr. Hon, learned Senior Advocate appearing for

Respondent No. 1 and Mr. Kadam, learned Advocate appearing for Respondent No.2, supports impugned order. According to them, there is no prohibition under law to appoint a co-opted member and expert director as delegate of society, although he has no right to vote in the election of primary society. Mr. Hon, learned Senior Advocate, raises serious objection as to locus of Petitioner to file objection to provisional list of voters, particularly inclusion of name of Respondent No. 1.

5. Having considered submissions advanced by learned Advocates appearing for respective parties and after going through reasoning adopted by Respondent No. 2 in impugned order, issue that arises for consideration in this Petition is whether Petitioner has *locus standi* to invoke jurisdiction of Respondent No. 2 under Rule 11 of Rules of 2014 and whether co-opted member/director can be appointed as delegate of member society at election of DCC Bank, particularly when in light of Proviso 10, expert director has no right to vote at any election of society or he is not eligible to be elected as office bearer of committee.

6. Undisputedly, P. K. Anna Society is member society of Respondent No. 3 DCC Bank. The Election Officer had published a proclamation dated 10.03.2026 inviting resolutions containing name of delegate of member societies for inclusion in voters' list of DCC Bank. The name of Respondent No. 1 was included in provisional voters' list being delegate of P. K. Anna Society. The Petitioner raised objection under Rule 11 of Rules of 2014 for such inclusion.

Sub-rule 1 of Rule 11 of Rules of 2014 reads thus:

(1) When any provisional list of voters is published for inviting claims and objections, any omission or error in respect of name or address or other particulars in the list may be brought to the notice of the District Co-operative Election Officer or Taluka or Ward Co-operative Election Officer in writing by any member of the society concerned, who is a voter or any representative authorized to vote on behalf of such society during office hours within ten days from the date of publication of the provisional list of voters.

7. The plain reading of aforesaid provision shows that any member of society concerned, who is a voter or any representative, authorized to vote on behalf of Society can raise objection in respect of name in provisional list of voters. The Petitioner has referred himself as labour. He has not clarified whether he is member of society or representative of any member society of DCC Bank. This Court holds that Petition sans necessary particulars to demonstrate *locus standi* of Petitioner to raise objection under Rule 11 of Rules of 2014 and even for filing present Writ Petition.

8. Even without going into aforesaid controversy, it is difficult to hold that inclusion of name of Respondent No. 1 in list of voters is bad in law or unsustainable. It is true that Section 73(AAA) deals with constitution of committees. The proviso 10 prescribes that expert director shall not have right to vote at election of society and shall not be eligible to be elected as office bearer of committee. However, there is no bar to nominate co-opted member or expert director be appointed as delegate of society. From language of Rule 10 of Rules of

2014, it is not discernible that only elected member can be appointed or nominated as representative/delegate of society. It cannot be disputed that Respondent No. 1 being co-opted expert director, has no right to vote at election of society or elected as office bearers of committee, but no prohibition is found in scheme of Act to nominate him as delegate/representative of the society at the election of DCC Bank.

9. In result, this Court finds no merit in Petition. Hence, Writ Petition stands dismissed.

(S. G. CHAPALGAONKAR, J.)

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