



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 5630 OF 2026

MINAKSHI KARNAKUMAR WAKANKAR

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS**

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Mr. Shahaji B. Ghatol Patil, Advocate for the Petitioner.

Mr. C. V. Bhadane, AGP for Respondents-State.

Mr. S. K. Kadam, Advocate for Respondent No.4.

Mr. K. J. Suryawanshi, Advocate for Respondent Nos.6 and 7.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 11th JUNE, 2026.**

P.C.:-

1. The petitioner takes exception to order dated 28.05.2026 passed by respondent no.4-District Co-operative Election Officer and Divisional Joint Registrar, Co-operative Societies, Chhatrapati Sambhajinagar, whereby objection filed by respondents against inclusion of name of petitioner has been allowed and name of petitioner is deleted from voters list.

2. On 06.05.2026, respondent no.4 published election program and invited Resolution nominating delegate/representative of member societies. Accordingly, meeting of members was called by respondent no.8 Society. The name of petitioner was nominated as delegate/representative of Society. It appears that, in meeting 6 Directors were present and all of them resolved to nominate

petitioner as delegate/representative for election of PDCC Bank. Accordingly, petitioner's name was included in provisional voters list. However, on objection raised by respondent no.6 and 7, respondent no.4 directed to delete name of petitioner from voters list observing that Resolution is not passed by majority and same is not ratified in subsequent meeting in terms of bye-laws.

3. It is not disputed before this Court that although there are 13 Directors, at present there are only 11 functional Directors. The Resolution nominating petitioner is passed in meeting dated 18.04.2026 in presence of 6 Directors. The other five Directors were absent at meeting. In that view of matter, considering number of functional Directors, name of petitioner has been nominated by majority of Directors.

4. Although it is contended on behalf of respondents that, as per bye-laws, majority can be constituted by 7 Directors, in facts of present case, when only 11 Directors are functional, majority cannot be counted as seven Directors. The respondent no.4 has mechanically applied provisions of bye-laws without taking into account fact that there are only 11 functional Directors and 6 of them have nominated petitioner as delegate/representative of Society.

5. In that view of matter, this Court finds that respondent no.4 has committed patent illegality while allowing objection and deleting name of petitioner from voters list.

6. In result, Writ Petition is allowed in terms of prayer Clause (B).

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/June-2026