IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.5683 OF 2026

1. Pandurang Hanumant Kadam,
Age: 41 years, Occu: Agri. & Director,
R/o Somthana Tq: Naigaon,
Dist:- Nanded.

2. Gulab Namdev Kadam
Age: 44 years, Occu: Agri & Member,
R/o Somthana Tq: Naigaon,
Dist:- Nanded. ..Petitioner

Versus

1. District Co-operative Election Officer,
Divisional Assistant Registrar, Cooperative
Society, Latur

2. Seva Sahakari Society Ltd.
Somthana Tq: Naigao, Dist:- Nanded
Through its Chairman/Secretary,
Office at At R/o Somthana Tq: Naigaon,
Dist:- Nanded.

3. Marotrao Chandrabhan Shinde
Age: 55 years, Occu: Director,
R/o Somthana Tq: Naigaon, Dist:- Nanded

4. Namdev Shankar Shinde
Age: major, Occu: Director,
R/o Somthana Tq: Naigaon,
Dist:- Nanded

5. Shrihari Nagorao Kadam
Age: major, Occu: Director,
R/o Somthana Tq: Naigaon,
Dist:- Nanded

6. Shantabai Babarao Shainde
Age: major, Occu: Director,
R/o Somthana Tq: Naigaon,
Dist:- Nanded ..Respondents

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Mr. S. V. Deshmukh, Advocate for Petitioners.
Mr. S. K. Kadam, Advocate for Respondent No.1.
Mr. S. B. Ghatol Patil, Advocate for Respondent Nos.3 to 5.

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CORAM : S. G. CHAPALGAONKAR, J.

RESERVED ON : 11th JUNE, 2026.
PRONOUNCED ON : 18th JUNE, 2026.

JUDGMENT:-

1. Rule. Rule made returnable forthwith. By consent of parties, matter is taken up for final hearing at the admission stage.

2. The present petition takes exception to order dated 25.05.2026 passed by respondent no.1-District Co-operative Election Officer, Divisional Assistant Registrar, Co-operative Society, Latur, whereby objection by respondent no.3 to inclusion of name of petitioner no.2 in final voters list came to be allowed.

3. The respondent no.1 issued public notice declaring election programme for Nanded District Central Cooperative Bank (for short 'NDCC Bank') for term 2026 to 2031 and invited member societies to submit Resolutions nominating their delegates. The respondent no.2-Society is a member society of NDCC Bank. On 05.04.2026, a meeting of Managing Committee of respondent no.2 was called for nominating representative. However, it could not proceed for want of quorum. On 11.04.2026, subsequent meeting was convened. The six Directors were present at meeting. However, due to dispute amongst members, no Resolution could be passed. Lastly, on 15.04.2026, meeting was held and six Directors passed Resolution nominating petitioner no.2 as delegate of Society at election of NDCC Bank. Eventually, name of petitioner no.2 was included in provisional voters list.

4. The respondent no.3 raised an objection before respondent no.1 disputing validity of Resolution nominating petitioner no.2 as delegate/representative and inclusion of his name in provisional voters list. While upholding objection respondent no.1 directed deletion of name of petitioner no.2 vide impugned order. Hence, this petition.

5. Mr. Deshmukh, learned Advocate appearing for petitioners, submits that although Managing Committee consists of 13 members, only 10 members are functional. The Resolution nominating petitioner no.2 as delegate was passed on 15.04.2026 in presence of 6 Committee members. However, respondent no.1 discarded said Resolution on ground that it was neither by majority nor ratified in immediate meeting.

6. Per contra, Mr. Ghatol Patil, learned Advocate appearing for respondent nos.3 to 5, vehemently submits that so called Resolution nominating petitioner no.2 is invalid. As per bye-laws of Society, majority consists of seven members, whereas Resolution is shown to have been passed by six members. Further, there is no ratification to Resolution in immediate meeting with requisite quorum.

7. Having considered submissions advanced by learned Advocates appearing for respective parties, it is apparent that

name of petitioner no.2 was included in provisional voters list accepting Resolution passed by the Society. Admittedly, Managing Committee of Society consists of 13 members, but only 10 members are functional. The copy of declaration issued on 18.04.2023 by Returning Officer of election of Society is placed on record. It shows that only 10 Directors were elected for period from 2023 to 2028 and three posts which were reserved for SC, OBC and VJNT categories left vacant.

8. In this backdrop, if bye-laws of Society are perused, it stipulates that majority consists of seven members as Managing Committee is of 13 members. However, Clause No.5 makes it clear that, for purpose of quorum, more than 50% of members entitled to vote would constitute majority. In present case, Resolution nominating petitioner no.2 is passed in presence of 6 Committee Members out of 10 entitled to vote. Therefore, resolution can be said to be passed by requisite quorum. Therefore, compliance of Clause 5(A) regarding ratification of minutes in next meetings has no application.

9. Apparently, respondent no.1 exceeded his jurisdiction while exercising powers under Rule 11 of the MCS Rules, 2014. Even, decision is perverse on factual aspect. At this stage, reference can be made to observations of Division Bench of this Court in case of

Kamlabai Vitthal Rohankar Vs. Additional Collector & Ors.[1], wherein this Court observed as under:

> *"In our considered view, Assistant Registrar or Deputy Registrar has no jurisdiction to go into the question of validity of meeting of Managing Committee of society. The validity of the meeting of Managing Committee can be challenged under Section 91 of Maharashtra Cooperative Societies Act before Cooperative Court. Even Collector as Returning Officer also is not empowered or entitled to go into validity and legality of meeting of Managing Committee of cooperative society. The Rresolution of Managing Committee which is acted upon by including appellant's name in provisional voters' list cannot be ignored unless and until it is set aside by Court of competent jurisdiction."*

10. The above exposition of law clearly applies to facts of present case. The name of petitioner no.2 was included in provisional voters list acting upon Resolution passed by 6 Committee members. The Committee consists of 10 functional Directors. As such, nomination of petitioner no.2 appears to have been made by Resolution passed by majority of Diretors. The respondent no.1 appears to have misread bye-laws without adhering to number of acting Committee members eligible to vote. As a result, impugned order cannot be sustained in law.

11. Hence, Writ Petition is allowed in terms of prayer clause (B).

12. Rule is made absolute in above terms.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/June-2026

1 **2007 (3) ALL MR 761.**