

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

WRIT PETITION NO. 6990 OF 2013

Satish Bhumanna Mergewar ...PETITIONER

versus

The State of Maharashtra and others ...RESPONDENTS

.....
Mr. B.N. Patil, Advocate for petitioner
Mr. B.V. Virdhe, AGP for respondents No. 1 to 3
Mr. Ashwin Hon, Advocate for respondent No. 4
.....

**CORAM : S. V. GANGAPURWALA AND
K.K. SONAWANE, JJ.**

DATED : 2nd AUGUST, 2016.

Order :-

1. Mr. Patil, learned counsel for petitioner submits that petitioner is appointed as Secretary of Agricultural Produce Market Committee, Degloor (for short "APMC") i.e. respondent No. 6, vide resolution dated 13-02-2013. On 14-02-2013, an appointment order was issued to the petitioner. Pursuant thereto, the petitioner has submitted his joining report on 15-02-2013. Learned counsel submits that name of the petitioner is appearing on the panel prepared by respondent No. 3 – Maharashtra State Marketing Board (for short "Marketing Board"). Advertisement was issued. Pursuant to advertisement, the petitioner had applied and after following selection procedure, he is appointed.

2. Learned counsel further submits that appointment of respondent No. 5 by Marketing Board is illegal in as much as petitioner was already

appointed by following due procedure of law. Learned counsel submits that Marketing Board cannot have right and authority to appoint the Secretary, it is within domain of the APMC.

3. Mr. Patil, learned counsel further submits that on the date when petitioner was appointed, circular relied by respondents was not in force and prior to the said circular the petitioner was appointed and also the process was commenced, as such, appointment of petitioner is legal.

4. Learned Assistant Government Pleader states it is prerogative of the Marketing Board to appoint Secretary, the circular dated 07-01-2013 also speaks about the same. The appointment of the petitioner is at the behest of respondent No. 6 and the same was not granted approval. Learned counsel for petitioner submits that because of interim orders passed by this court, the approval is granted subject to decision in Writ Petition No. 7720 of 2013.

5. We have considered the submissions canvassed by learned counsel for respective parties. Perusal of appointment order, it appears that petitioner is appointed for period of three years from the date of appointment order i.e. 14-02-2013. Said period has come to an end by efflux of time. The prayer in the petition was with regard to grant of approval to the appointment of petitioner. Approval is granted to the appointment of the petitioner subject to decision in writ petition no. 7720 of 2013, pending before the Principal Seat at Bombay.

6. As tenure of the petitioner as Secretary vide appointment order itself has come to an end. The prayer with regard to grant of approval to the appointment of petitioner's service as Secretary itself would now become redundant. Moreover, pursuant to interim order passed by this court, the petitioner was granted approval as stated above.

7. In view of that, as period of appointment of petitioner itself has come to an end, no further arguments can be considered in present petition. If petitioner has subsequent right, he is at liberty to assail the same in appropriate petition as may be permissible in law.

8. Writ petition stands disposed of. No costs.

[K. K. SONAWANE, J.]

[S. V. GANGAPURWALA, J.]

MTK