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

WRIT PETITION NO.15356 OF 2017

Ganesh s/o Laxman Bonlawar,
Age:20 years, Occu: Service,
R/o. Sharda Nagar, Bhayegaon Road,
Degloor, Tq. Degloor, Dist. Nanded

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through the Department of Co-operative,
Marketing and Textile, Mantralaya,
Mumbai
2. The Director of Marketing (M.S.),
Central Building, Pune
3. The District Deputy Registrar,
Co-operative Societies, Bisen Nagar,
Nanded, Tq. & Dist. Nanded
4. The Agricultural Produce
Market Committee, Degloor,
Tq. Degloor, Dist. Nanded
Through its Secretary

..RESPONDENTS

Mr B. N. Patil, Advocate for petitioner;
Mr S. M. Ganachari, A.G.P. for respondent Nos.1 to 3

**CORAM : PRASANNA B. VARALE
AND
MANGESH S. PATIL, JJ.**

DATE : 19th November, 2018

ORAL ORDER:

Heard Mr Patil, learned Counsel appearing on behalf of the petitioner.

With consent of the parties, the petition is taken up for hearing and disposal.

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2. The petitioner is before this Court challenging the order dated 22nd December, 2017, passed by the District Deputy Registrar, Co-operative Societies, Nanded. A proposal was submitted for grant of approval to the appointment of the petitioner. The District Deputy Registrar, in view of the Circular dated 27th April, 2015, could not find any favour with the proposal and resultantly, the proposal was rejected.

3. One Mr Laxman Bonlawar, father of the petitioner was an employee of Degloor Agricultural Market Produce Committee. He expired on 20th August, 2008 and Smt. Vithabai Laxman Bonlawar was appointed on temporary basis in his place and this appointment was on compassionate basis. Smt. Vithabai was subjected to medical examination. The District Civil Surgeon, Nanded issued certificate dated 23rd January, 2017. Perusal of the copy of this certificate shows that the Civil Surgeon, Nanded found Vithabai ineligible on medical ground. The petitioner then submitted his claim for compassionate appointment. By an order dated 21st June, 2017, the petitioner was appointed on the post of Peon. This appointment was only for a period of six months.

4. On 23rd July, 2017, a proposal was submitted to the District Deputy Registrar, Co-operative Societies, Nanded through the Administrator and the Secretary of the Degloor Agricultural Market Produce Committee. As stated above, the District Deputy Registrar, Co-operative Societies, Nanded, by an

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order dated 22nd December, 2017 turned down the proposal taking recourse to the Circular dated 27th April, 2015. A copy of said Circular is placed on record. Perusal of the said Circular clearly shows that the Director of Marketing, State of Maharashtra, Pune issued certain administrative guidelines for the Administrator/ Board of Administrators. The object for issuing Circular is also referred to in the said Circular. It seems that the purpose of issuing this Circular is to curtail the unnecessary expenditure on establishment and permitting the Administrator or the Board of Administrators to take a decision to meet the exigencies.

5. Mr Patil, learned Counsel for the petitioner vehemently submitted that the proposal ought not to have been turned down and the Administrator or the Board of the Administrators exercises all the powers of the Committee under the provisions of the Maharashtra Agricultural Produce Marketing (Development & Regulation) Act, 1963 (for short 'the Act') and more particularly under Section 15A thereof.

6. It would be useful for our purposes to refer to the relevant provisions of Section 15A of the Act, which reads thus:

"15A (2) During the said period, all the powers and duties of the Committee and its various authorities under this Act and the rules and bye-laws made thereunder or any other law for the time being in force shall be exercised and performed by the Administrator or the Board of Administrators"

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7. Assuming that the approval of the Director for making appointment is not contemplated under Section 15-A of the Act, still the impugned Circular restricts the powers of the Administrator/Board of Administrators and curtails the powers to make any appointment.

8. Section 35 of the Act deals with the powers of Marketing Committee to employ the staff. The said provision makes it very clear that though the Committee enjoys the powers of appointing the staff, the Committee is duty bound to seek prior approval of the Director for such appointments. The facts situation that emerges from the perusal of the material is, while issuing appointment order to the petitioner, neither the Secretary nor the Administrator sought approval from the Director for appointment of the petitioner. Subsequently, when the proposal was submitted for approval to the appointment of the petitioner, the District Deputy Registrar, by taking recourse to the Circular dated 27th April, 2015 turned down the proposal. Even otherwise, the clause 6 of the said Circular makes it clear that the Administrator or the Board of Administrators should not take up the subjects of new appointments or the promotions to the staff.

9. Considering the provisions as referred to above as well as the fact that the appointment of the petitioner itself was not with the prior approval of the Director and it was only for six months period, the District Deputy Registrar, Co-operative Societies, Nanded committed no error in passing the order dated 22nd December, 2017.

10. As we are unable to find any merit in the submission of learned Counsel appearing on behalf of the petitioner, the petition, thus being meritless, deserves to be dismissed and the same is accordingly dismissed.

(MANGESH S. PATIL, J.)

(PRASANNA B. VARALE, J.)

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