

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
976 WRIT PETITION NO.7840 OF 2019
WITH CA/8376/2019 IN WP/7840/2019**

MUDSSAR JAFAR SHAIKH

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND ORS

..RESPONDENTS

...

Mr. Vithal H. Dighe, Advocate for the Petitioner.

Mr. K. B. Jadhavar, AGP for Respondents-State.

Mr. Shirinivas S. Wagh, Advocate for Respondent No.4.

Mr. Narayan B. Narwade, Advocate for Respondent No.5.

Mr. Rajendra B. Dhakane, Advocate for Respondent Nos.6 and 7.

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**CORAM : S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**

DATED : 01st AUGUST, 2019.

PER COURT:-

1. We are entertaining the petition only because the impugned order is passed without hearing the petitioner and without notice to the petitioner.

2. It is not disputed that the additional charge of the Secretary, APMC of respondents was given to the petitioner. Under the impugned order the said charge stands withdrawn.

3. We have heard Mr. Dighe, learned counsel for the petitioner, Mr. Dhakane, learned counsel

for respondent nos.6 and 7, Mr. Narwade, learned counsel for respondent no.5, learned A.G.P. and Mr. Wagh, learned counsel for respondent no.4.

4. Amongst the various grounds agitated by learned counsel for the parties, one of the ground agitated by the petitioner is that the impugned order is passed without notice to the petitioner and without hearing to the petitioner. According to the respondents, the District Deputy Registrar had made enquiry and APMC had given every opportunity to the petitioner and the other parties. Thereafter, they submitted report and pursuant thereto Director of Marketing, Maharashtra State, Pune has passed impugned order and as such petitioner cannot claim that opportunity was not given to him.

5. The fact remains that order has been passed by Director of Marketing, Maharashtra State, Pune. The Director of Marketing, Maharashtra State, Pune atleast ought to have issued show cause notice to the petitioner before passing order and considering the reply filed by the petitioner further decision ought to have been taken.

6. As the minimum requirements of the principles of natural justice has been transgressed, we have entertained the petition.

7. In the result, we pass the following order:

ORDER

- i. The impugned order is quashed and set aside.
 - ii. The impugned order may be considered as show cause notice to the petitioner. The petitioner and respondents shall appear before the Director of Marketing, Maharashtra State, Pune on 19.08.2019. On the said date, the petitioner shall file his reply before the Director of Marketing, Maharashtra State, Pune considering the impugned order as show cause notice. The Director of Marketing, Maharashtra State, Pune shall thereafter take decision expeditiously and preferably within a period of two (02) months.
8. Writ Petition is disposed of.
9. It is made clear that the contentions of parties on merits are kept open. No costs.
10. In view of disposal writ petition, present civil application is disposed of.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE