

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5164 OF 2020

1. Radhakisan S/o Deorao Pathade,
Age 45 years, Occu. Agri. and Chairman of
the Super APMC, Aurangabad,
Dist. Aurangabad.
2. Bhagchand S/o Rustum Thombre,
Age 60 years, Occu. Agri. and Director of
the Super APMC, Aurangabad,
Dist. Aurangabad.
3. Ram S/o Bhausahab Shelke,
Age 48 years, Occu. Agri. and Director of
the Super APMC, Aurangabad,
Dist. Aurangabad.
4. Ganesh S/o Sandu Dahihande,
Age 53 years, Occu. Agri. and Director of
the Super APMC, Aurangabad,
Dist. Aurangabad.
5. Harishankar Damaya,
Age 61 years, Occu. Agri. and Director of
the Super APMC, Aurangabad,
Dist. Aurangabad.
6. Prashant S/o Rameshchandra Soliya,
Age 47 years, Occu. Agri. and Director of
the Super APMC, Aurangabad,
Dist. Aurangabad.
7. Sangeeta Namdeo Madage,
Age 46 years, Occu. Agri. and Director of
the Super APMC, Aurangabad,
Dist. Aurangabad.
8. Damodar H. Navpute,
Age 66 years, Occu. Agri. and Director of
the Super APMC, Aurangabad,
Dist. Aurangabad.
9. Raghunath Kale,
Age 62 years, Occu. Agri. and Director of
the Super APMC, Aurangabad,

Dist. Aurangabad.

10. Narayan S/o Panditrao Mate,
Age 74 years, Occu. Agri. and Director of
the Super APMC, Aurangabad,
Dist. Aurangabad.
11. Babasaheb S/o Punjaram Mugdal,
Age 40 years, Occu. Agri. and Director of
the Super APMC, Aurangabad,
Dist. Aurangabad.
12. Devidas Balaji Kirtishahi,
Age 57 years, Occu. Agri. and Director of
the Super APMC, Aurangabad,
Dist. Aurangabad.
13. Sau. Alka Bhausahab Dahihande,
Age 58 years, Occu. Agri. and Director of
the Super APMC, Aurangabad,
Dist. Aurangabad.
14. Shivaji S/o Uttamrao Wagh,
Age 41 years, Occu. Agri. and Director of
the Super APMC, Aurangabad,
Dist. Aurangabad.

...Petitioners

Versus

1. The State of Maharashtra,
Through its Principal Secretary,
Co-operation, Marketing and Textile
Department, Mantralaya, Mumbai - 32.
2. The Director of Marketing,
Maharashtra State, Pune.
3. The District Deputy Registrar,
Co-operative Societies, Aurangabad.
4. Super Agricultural Produce Market
Committee, Aurangabad,
Through its Secretary.

...Respondents

WITH
CIVIL APPLICATION NO. 4628 OF 2020
IN
WRIT PETITION NO. 5164 OF 2020

Trimbak Laxman Harane,
Age 50 years, Occu. Agri.,
R/o Pokhari Tq. and Dist.
Aurangabad

...Applicant

Versus

The State of Maharashtra,
Through its Principal Secretary,
Co-operation, Marketing and Textile
Department, Mantralaya, Mumbai 32
and Others.

...Respondents

WITH
CIVIL APPLICATION NO. 4630 OF 2020
IN
WRIT PETITION NO. 5164 OF 2020

Sanjay Tukaram Autade
Age 18 years, Occu. Agri.,
R/o Harsul Tq. and Dist.
Aurangabad and others

...Applicants

Versus

The State of Maharashtra,
Through its Principal Secretary,
Co-operation, Marketing and Textile
Department, Mantralaya, Mumbai 32
and Others.

...Respondents

WITH
CIVIL APPLICATION NO. 4811 OF 2020
IN
WRIT PETITION NO. 5164 OF 2020

Harish S/o. Dattopant Pawar,
Age 68 years, Occu. Business,
Ex Director of the super APMC,
Aurangabad, Aurangabad District
R/o. Plot No. 6, Surana Nagar,
Seven Hill, Aurangabad 431 003

...Applicant

IN THE MATTER OF :

Radhakisan S/o Deorao Pathade and Ors.

...Petitioners

Versus

The State of Maharashtra,
Through its Principal Secretary,
Co-operation, Marketing and Textile
Department, Mantralaya, Mumbai 32
and Others.

...Respondents

Mr S.S. Thombre, Advocate for Petitioners
Mr S.G. Karlekar, A.G.P. for Respondent Nos. 1 to 3
Mr M.S. Karad, Advocate for respondent No. 4
Ms R.R. Barhate, Advocate for Applicant in C.A. No. 4811/2020
Mr V.D. Salunke, Advocate for Applicant in C.A. No. 4628/2020
Mr Amit D. Ghute, Advocate for Applicant in C.A. No. 4630/2020

WRIT PETITION NO. 5961 OF 2020

1. Mahananda Kishanrao Bhosale,
Age : 60 years, Occu. Agriculture,
R/o : At Post Isad, Tq. Gangakhed,
Dist. Parbhani.
2. Namdeo Ramkishan Niras,
Age : 53 years, Occu. Agriculture,
R/o : At Post Pedgaon, Tq. Gangakhed,
Dist. Parbhani.
3. Laxmikant Bhaskar Gundale,
Age : 60 years, Occu. Agriculture,

R/o : Near Savali Puja Mangal Karyala,
Gangakhed, Tq. Gangakhed,
Dist. Parbhani.

4. Rambhau Gunaji Kambale,
Age : 62 years, Occu. Agriculture,
R/o : At Post Benpimpla, Tq. Gangakhed,
Dist. Parbhani.

5. Savitribai Rajesh Phad,
Age : 48 years, Occu. Agriculture,
R/o : At Post Khadgaon, Tq. Gangakhed,
Dist. Parbhani.

...Petitioners

Versus

1. The State of Maharashtra,
Through its Secretary,
Co-operation, Textile and Marketing Department,
Mantralaya, Mumbai - 32.

2. The Director of Marketing,
Maharashtra State, Pune.

3. The Divisional Joint Registrar,
Cooperative Societies,
Aurangabad

4. The District Deputy Registrar,
Cooperative Societies, Parbhani,
District Parbhani

5. The Assistant Registrar,
Cooperative Societies, Gangakhed,
Tq. Gangakhed, District Parbhani.

6. The Agricultural Produce Market
Committee, Gangakhed, Tq. Gangakhed,
District Parbhani, Through its Secretary

7. Shri. S.N. Tayde,
Administrator, The Assistant Registrar,
Co operative Society, Gangakhed,
Tq. Gangakhed, District: Parbhani.

...Respondents

Mr M.V. Nagargoje, Advocate for Petitioners
Mr S.G. Karlekar, A.G.P. for Respondent Nos. 1 to 5
Mr M.P. Kale, Advocate for respondent Nos. 6 and 7

WRIT PETITION NO. 6593 OF 2020

1. Sow. Sangeeta w/o Sunil Shinde
Age 43 years, Occu. Agriculture
And household,
R/o. Dattanagar, Shrirampur,
Tq. Shrirampur, District Ahmednagar
2. Nitin s/o Suryabhan Bhagde
Age 42 years, Occ. Agriculture
R/o. Nimgaon Khairi,
Tq. Shrirampur, District Ahmednagar
3. Deepak s/o Shivram Patore
Age 45 years, Occ. Agriculture
R/o. Karegaon, Tq. Shrirampur,
District Ahmednagar
4. Shri. Muktaji Vitthal Phatangare,
Age: 56; Occupation: Agriculture;
R/o: AT and Post Mandve;
Tal: Shrirampur; District Ahmednagar.
5. Shri. Nanasaheb Punjaji Pawar,
Age: 66; Occupation: Agriculture;
R/o: AT and Post Taklibhan,
Tal: Shrirampur; District Ahmednagar.
6. Shri. Vishwanath Nanasaheb Muthe,
Age: 52; Occupation: Agriculture;
R/o: AT and Post Muthevadgaon,
Tal: Shrirampur; District Ahmednagar.
7. Shri. Sonyabapu Govind Shinde,
Age: 57; Occupation: Agriculture;
R/o: AT and Post Naur,
Tal: Shrirampur; District Ahmednagar.
8. Smt. Vidyatai Bhausahab Dabhade,
Age: 64; Occupation: Agriculture;
R/o: AT and Post Taklibhan,
Tal: Shrirampur; District Ahmednagar.

9. Smt. Nandatai Bhausaheb Shelar,
Age: 61; Occupation: Agriculture;
R/o: AT and Post Jafarabad,
Tal: Shrirampur; District Ahmednagar.
10. Shri. Kailas Bhagvatrao Borde,
Age: 55; Occupation: Agriculture;
R/o: AT and Post Matulthan,
Tal: Shrirampur; District Ahmednagar.
11. Shri. Nitin Dattatray Asane,
Age: 56; Occupation: Agriculture;
R/o: AT and Post Malvadgaon,
Tal: Shrirampur; District Ahmednagar.
12. Shri. Radhakrushna Babanrao Aher,
Age: 53; Occupation: Agriculture;
R/o: AT and Post Brahmangaon Vetar,
Tal: Shrirampur; District Ahmednagar.
13. Shri. Bhausaheb Karbhari Thete,
Age: 46; Occupation: Business;
R/o: AT and Post Shrirampur,
Tal: Shrirampur; District Ahmednagar.
14. Shri. Jitendra Madanlal Gadiya,
Age: 41; Occupation: Business;
R/o: AT and Post Shrirampur,
Tal: Shrirampur; District Ahmednagar.
15. Shri. Deepak Namdeo Hivrale,
Age: 40; Occupation: Hamal;
R/o: AT and Post Shrirampur,
Tal: Shrirampur; District Ahmednagar. ...Petitioners

Versus

1. The State of Maharashtra,
Through the Secretary for
Co-operation, Marketing And Handloom
Department, Mantralaya, Mumbai

2. The Director of Marketing,
Maharashtra State, Pune.
3. The District Deputy Registrar,
Co-operative Societies, Ahmednagar
District Ahmednagar
4. The Assistant Registrar,
Co-operative Societies, Shrirampur
Tq. Shrirampur, District Ahmednagar ...Respondents

WITH
CIVIL APPLICATION NO. 6864 OF 2020
IN
WRIT PETITION NO. 6593 OF 2020

Vishnupant S/o. Eknath Khandagale,
Age 56 years, Occupation Agriculture;
R/o. : Taklibhan; Tq. Shrirampur,
Dist. Ahmednagar ...Applicant

Versus

The State of Maharashtra,
Through the Secretary for
Co-operation, Marketing And Handloom
Department, Mantralaya, Mumbai – 32 and Ors. ...Respondents

Mr V.D. Hon Senior Advocate i/by
Mr A.V. Hon, Advocate for Petitioners
Mr S.G. Karlekar, A.G.P. for Respondent/State
Mr S.T. Shelke, Advocate for Applicant in C.A. No. 6864/2020

WITH
WRIT PETITION NO. 6623 OF 2020

1. Prashant S/o Ramdas Patil,
Age: 40 years; Occ. Agri. and Chairman
of the APMC, Latur,
R/o: Shelgaon, Tal. Chakur,
District Latur.
2. Sanjay S/o Vinayakrao Patil,
Age: 47 years; Occ. Agri.,
R/o: Chakur, Tal. Chakur,
Dist. Latur.

3. Ankush S/o Bhaguram Motherao,
Age Major, Occ. Agri.,
R/o Chakur, Tal. Chakur,
Dist. Latur.
4. Pandurang S/o Vitthalrao Bhosale,
Age 65 years, Occ. Agri.,
R/o Khurdali, Tal. Chakur,
District Latur.
5. Ashok S/o Gangaram Chinte,
Age 55 years, Occ. Agri and
Deputy Chairman of APMC Latur,
R/o Gharani, Tal. Chakur,
District Latur.
6. Sunil S/o Ramrao Manale,
Age 52 years, Occu.Agri.,
R/o Sugaon, Tal. Chakur,
District Latur.
7. Uddhav S/o Annarao Birajdar,
Age 50 years, Occu.Agri.,
R/o Nalegaon, Tal. Chakur,
District Latur.
8. Madhav S/o Narayan Lavate,
Age Major, Occu.Agri.,
R/o Anjansonda, Tal. Chakur,
District Latur.
9. Dayanand S/o Damodar Surwase,
Age 40 years, Occu.Agri.,
R/o Zari, Tal. Chakur,
District Latur.
10. Gundu S/o Sangram Janwalkar,
Age Major, Occu.Agri.,
R/o Jadhala, Tal. Chakur,
District Latur.
11. Rohidas S/o Ambadas Waghmare,
Age Major, Occu.Agri.,
R/o Janwal, Tal. Chakur,
District Latur.

...Petitioners

Versus

1. The State of Maharashtra,
Through its Principal Secretary,
Co-operation, Marketing and Textile
Department, Mantralaya, Mumbai – 32.
2. The Director of Marketing,
Maharashtra State, Pune.
3. The District Deputy Registrar,
Co-operative Societies, Latur.
4. Agricultural Produce Market
Committee, Latur, Tal. & District Latur,
Through its Secretary ...Respondents

Mr S.S. Thombre, Advocate for Petitioners
 Mr S.G. Karlekar, A.G.P. for Respondent Nos. 1 to 3
 Mr M.S. Karad, Advocate for Respondent No. 4

WITH
 WRIT PETITION NO. 6626 OF 2020

Satish s/o Parshuram Shinde,
 Age 66 years, Occu. Agriculture and
 Chairman of Agriculture Produce Market
 Committee, Pachora, R/o: Pachora,
 Tq. Pachora, Dist. Jalgaon. ...Petitioner

Versus

1. The State of Maharashtra,
Through Secretary,
Co-operation & Marketing Department,
Maharashtra State, Mantralaya,
Mumbai – 400 032.
2. Director of Marketing,
Maharashtra State, Pune,
Dist. Pune.
3. The District Deputy Registrar,
Co-operative Societies, Jalgaon.
4. Assistant Registrar, Cooperative
Societies, Pachora, Dist. Jalgaon.

5. Administrator, APMC, Pachora &
Assistant Registrar, Cooperative
Societies, Pachora, Dist. Jalgaon. ...Respondents

WITH
CIVIL APPLICATION NO. 6488 OF 2020
IN
WRIT PETITION NO. 6626 OF 2020

Sanjay s/o Chagenlal Shisodiya ,
Age 48 years, Occu : Agriculture;
R/o. : Shivaji Maharaj Chowk,
Pachora, Tq. Pachora,
Dist. Jalgaon ...Applicant

Versus

Satish s/o Parshuram Shinde,
Age : 66 years, Occu: Agriculture and Chairman
of Agriculture Produce Market Committee,
Pachora, Tq. Pachora, Dist. Jalgaon and Ors. ...Respondents

WITH
CIVIL APPLICATION NO. 7029 OF 2020
IN
WRIT PETITION NO. 6626 OF 2020

Vishanu s/o Mahadu Sonar,
Age 59 years, Occ.: Agriculture/Business
R/o. : Gandhi Chauk, Taluka: Pachora,
District Jalgaon ...Applicant

Versus

Satish s/o Parshuram Shinde,
Age : 66 years, Occu: Business
Chairman Of APMC, Pachora
R/o: Pachora, Taluka : Yawal,
Dist. Jalgaon and Ors. ...Respondents

Mr V.D. Salunke, Advocate and
Mr M.V. Salunke, Advocate for Petitioner
Mr S.G. Karlekar, A.G.P. for Respondent Nos. 1 to 4
Mr Mahesh S. Deshmukh, Advocate for
applicant in C.A. No. 6488/2020
Mr Nirmal N. Dayama, Advocate for Applicant
in C.A. No. 7029/2020

WITH
WRIT PETITION NO. 6646 OF 2020

The Jamner Agriculture Produce Market
Committee, Jamner, District Jalgaon.
Through It's Chairman
Shri Sanjay Devrao Deshmukh,
Age 48 years, Occupation – Agri,
R/o Village Pahur,
Tal. Jamner, Dist. Jalgaon.

...Petitioner

Versus

1. The Hon'ble Minister,
Agriculture, Horticulture & Marketing
Department, State of Maharashtra
Mantralaya, Mumbai – 32.
2. The State of Maharashtra,
Through It's Secretary,
Agriculture, Horticulture & Marketing
Department, State of Maharashtra
Mantralaya, Mumbai – 32.
3. The Director of Marketing,
The Directorate of Marketing,
State of Maharashtra,
3rd Floor New Administrative Building,
Pune at Pune – 411 001.
4. The Divisional Joint Registrar,
Co-op. Societies Nashik Division,
Nashik at Nashik.
5. The District Deputy Registrar,
Co-operative Societies Jalgaon
at Jalgaon.
6. The Assistant Registrar,
Co-operative Societies Jamner at Jamner.
7. The Secretary,
Agriculture Produce Market Committee
Jamner at Jamner.

8. The Administrator,
A P M C Jamner at Jamner,
Shri D.V. Patil,
Co-operative Officer (Grade – I) ...Respondents

Mr D.B. Thoke, Advocate for Petitioner
Mr S.G. Karlekar, A.G.P. for Respondent Nos. 1 to 7
Mr U.S. Patil, Advocate for Respondent No. 8

WITH
WRIT PETITION NO. 6649 OF 2020

Shri Prafulla S/o Hiralal Pawar,
Age 40 years, Occ.: Agriculture,
R/o At Post Maspur, Tq. Amalner,
District Jalgaon. ...Petitioner

Versus

1. The State of Maharashtra,
Through Principal Secretary,
Co-operation, Textile and Marketing
Department, Mantralaya, Mumbai – 32.
2. The Director of Marketing,
Maharashtra State, Pune.
3. The Executive Director,
Maharashtra State Agriculture Textile
Board, Gultekadi, Market Yard, Pune.
4. The Divisional Joint registrar,
Cooperative Societies, Nashik Division,
Nashik.
5. The District Deputy Registrar,
Cooperative Societies Jalgaon
District Jalgaon.
6. The District Collector and District
Election Officer, Jalgaon,
District Jalgaon.
7. The Agricultural Produce Market Committee,
Amalner, Tq. Amalner, District Jalgaon,
Through its Secretary/Administrator ...Respondents

Mr A.B. Girase, Advocate and Mr Y.B. Bolkar,
Advocate for Petitioner
Mr S.G. Karlekar, A.G.P. for Respondent Nos. 1 to 6
Respondent No. 7 served.

WITH
WRIT PETITION NO. 6821 OF 2020

1. Kautikrao s/o Namdeorao Jagtap,
Age 52 years, Occ. Agriculture
R/o. Hisoda, Tq. Bhokardan,
District Jalna
 2. Ganesh s/o Narayan Khale,
Age 50 years, Occ. Agriculture
R/o. Khalewadi, Tq. Bhokardan,
District Jalna
 3. Vishwas s/o Bhikanrao Sapkal,
Age 55 years, Occ. Agriculture
R/o. Jalgaon Sapkal, Tq. Bhokardan,
District Jalna
 4. Sau. Sheelabai w/o Bhagwan Wagh,
Age 35 years, Occ. Agriculture
R/o. Warud, Tq. Bhokardan,
District Jalna
 5. Pralhad s/o Ganpat Shinde
Age 59 years, Occ. Agriculture
R/o. Fakepur, Tq. Bhokardan,
District Jalna
 6. Balaji s/o Rajabhau Auti,
Age 52 years, Occ. Agriculture
R/o. Borgaon Jahangir, Tq. Bhokardan,
District Jalna
 7. Suresh s/o Pandharinath Talekar,
Age 46 years, Occ. Agriculture
R/o. Nanaj, Tq. Bhokardan,
District Jalna
- ...Petitioners

Versus

1. The State of Maharashtra,
Through the Secretary,
Co-operation, Textile and Marketing
Department, Mantralaya, Mumbai
2. The Director of Marketing,
Maharashtra State, Pune.
3. The Divisional Joint registrar,
Co-operative Societies, Aurangabad,
District Aurangabad
4. The District Deputy Registrar,
Co-operative Societies, Jalna
District Jalna
5. The Assistant Registrar,
Co-operative Societies, Bhokardan,
Tq. Bhokardan, District Jalna

...Respondents

WITH
WRIT PETITION NO. 6846 OF 2020

1. Bhausahab s/o Pandurang Jadhav,
Age 48 years, Occ. Agriculture
R/o. Kolhapur, Post. Mahora,
Tq. Jafrabad, District Jalna
2. Sau. Latabai w/o Vijay More,
Age 35 years, Occ. Agriculture
R/o. Papal, Post. Tembhapuri,
Ta. Jafrabad, District Jalna
3. Raju s/o Himmatrao Chavan
Age 45 years, Occ. Agriculture
R/o. Kumbharzari,
Tq. Jafrabad, District Jalna
4. Sudhir s/o Hanumantrao Patil,
Age 48 years, Occ. Agriculture
R/o. Khasegaon, Tq. Jafrabad,
District Jalna
5. Kailas s/o Pandurang More
Age 45 years, Occ. Agriculture
R/o. Kumbhari, Tq. Jafrabad,
District Jalna

6. Deepak s/o Baburao Wakde,
Age 50 years, Occ. Agriculture
R/o. Malegaongalli, Tq. Jafrabad,
District Jalna

7. Rajiv s/o Devidas Khot,
Age 40 years, Occ. Agriculture
R/o. Kumbhari, Tq. Jafrabad,
District Jalna

...Petitioners

Versus

1. The State of Maharashtra,
Through the Secretary,
Co-operation, Textile and Marketing
Department, Mantralaya, Mumbai

2. The Director of Marketing,
Maharashtra State, Pune.

3. The Divisional Joint registrar,
Cooperative Societies, Aurangabad,
District Aurangabad

4. The District Deputy Registrar,
Cooperative Societies, Jalna
District Jalna

5. The Assistant Registrar,
Co-operative Societies, Bhokardan,
Tq. Bhokardan, District Jalna

...Respondents

Mr V.D. Hon, Senior Advocate i/by
Mr A.V. Hon, Advocate for Petitioners
Mr S.G. Karlekar, A.G.P. for Respondent Nos. 1 to 5

WITH
WRIT PETITION NO. 6913 OF 2020

Madhukar s/o Balasaheb Kachgude,
Age 55 years, Occ.: Agriculture and President
of Agriculture Produce Market Committee,
Ambejogai, Tq. Ambejogai, Dist. Beed.

...Petitioner

Versus

1. The State of Maharashtra,
Through the Secretary,
Cooperation & Marketing Department,
Maharashtra State, Mantralaya,
Mumbai – 400 032.
2. District Deputy Registrar,
Cooperative Societies, Beed,
Tq. & Dist. Beed.
3. Assistant Registrar,
cooperative Societies, Ambejogai,
And Administrator APMC, Ambejogai
Appointed by order dated 02.07.2019
4. Agricultural Produce Market Committee,
Ambejogai, Tq. Ambejogai, Dist. Beed,
Through its Secretary
5. Vishnu Patangale,
Assistant Registrar,
Cooperative Societies, Amabejogai,
Tq. Ambejogai, Dist. Beed
And Administrator appointed on
APMC, Ambejogai on 01.10.2020. ...Respondents

WITH
CIVIL APPLICATION NO. 8114 OF 2020
IN
WRIT PETITION NO. 6913 OF 2020

Madhukar s/o Balasaheb Kachgude,
Age 55 years, Occ.: Agriculture and President
of Agriculture Produce Market Committee,
Ambejogai, Tq. Ambejogai, Dist. Beed. ...Applicant

Versus

The State of Maharashtra,
Through the Secretary,
Cooperation & Marketing Department,
Maharashtra State, Mantralaya,
Mumbai – 400 032 and ors. ...Respondents

Mr V.D. Salunke, Advocate Advocate for Petitioner
Mr S.G. Karlekar, A.G.P. for Respondent Nos. 1 to 3
Respondent Nos. 4 and 5 served.

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE OF RESERVATION : 21.12.2020

DATE OF PRONOUNCEMENT : 01.03.2021

JUDGMENT : (PER SHRIKANT D. KULKARNI, J.)

1. Rule. Rule made returnable forthwith. With the consent of the parties, the matters are taken up for final hearing at admission stage.

2. These petitions involve similar set of facts and common question of law as such to avoid rigmarole are being disposed of by common judgment.

3. It would be convenient to have a glance on the facts of each petition.

**WRIT PETITION NO. 5164/2020 (SUPER AGRICULTURAL PRODUCE
MARKET COMMITTEE, AURANGABAD)**

4 The election of the Super Agricultural Produce Market Committee, Aurangabad for the term of 2015-2020 was held and present petitioners were elected as members of the Managing Committee. In the first meeting held on 05.08.2015, the Chairman and Vice-Chairman were elected. The petitioners are the elected Directors of the Super Agricultural Produce Market Committee (hereinafter referred to as "the Committee").

The term of the said Committee came to be expired on 04.08.2020. Because of Covid-19 pandemic from March, 2020, the Committee could not proceed to conduct the elections before 04.08.2020.

5 The Managing Committee passed a resolution by majority on 08.06.2020 to seek an extension from the State Government in view of the provisions of Section 14 (3) of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963 (hereinafter referred to as "the Act"). The resolution was forwarded to the District Deputy Registrar, Aurangabad with proposal for a extension. The District Deputy Registrar, Aurangabad has forwarded the proposal to the Director of Marketing, Maharashtra State, Pune with recommendation to grant one year extension to the present Committee as per Section 14 (3) of the Act.

6. The respondent No. 1/State issued impugned letter dated 23.07.2020 to respondent No. 2/Director of Marketing, Maharashtra State, Pune informing that there is no need to grant extension to the present Committee. The said impugned letter is challenged by the petitioners by invoking writ jurisdiction under Art. 226 of the Constitution of India.

7. During pendency of the petition, respondent No. 3/the District Deputy Registrar, Co-operative Societies, Aurangabad passed an order dated 05.08.2020 and appointed himself as an Administrator over the Committee. According to the petitioners, respondent No. 3 has no authority to appoint himself as an Administrator, and therefore, the impugned order is bad in law and needs to be quashed and set aside.

8. It is further contended by the petitioners that the term of all other Market Committees came to be extended by the State but only Super Agricultural Produce Market Committee is made an exception. It speaks the policy of the State to pick and choose under the political influence. The petitioners are before us in the above background.

WRIT PETITION NO. 5961/2020 (AGRICULTURAL PRODUCE MARKET COMMITTEE, GANGAKHED, DIST. PARBHANI).

9. The election of Agricultural Produce Market Committee, Gangakhed, Dist. Parbhani was held for the term from 2014-2015 to 2019-2020. The petitioners were elected as members of the said Committee. The term of five years of the said Committee came to an end on 05.05.2020. Due to Covid-19 pandemic, the elections of Co-operative Societies were postponed for a period of six months. The petitioners have forwarded the proposal for extension of term to the present Committee. The Assistant Registrar, Co-operative Societies, Gangakhed recommended the proposal to the District Deputy Registrar, Parbhani and in turn, the District Deputy Registrar, Parbhani forwarded that proposal to the Secretary, Co-operation, Textile and Marketing Department, Mantralaya, Mumbai.

10. The proposal of the Committee was pending before the Government. During pendency of the proposal, the District Deputy Registrar, Parbhani passed an impugned order dated 27.08.2020, thereby, appointed Administrator on the Gangakhed Agricultural Produce Market Committee. The Assistant Registrar, Co-operative Societies,

Gangakhed came to be appointed as an Administrator to look after the day to day affairs and administrative works of the Gangakhed Agricultural Produce Market Committee. It is contended by the petitioners that the District Deputy Registrar, Parbhani has given complete go-bye to the order passed by the Government dated 10.07.2020. It is contended by the petitioners that action of respondent-authorities is bad in law. The respondent-authorities have appointed the Administrator on Agricultural Produce Market Committee, Gangakhed without giving any kind of notice and without giving an opportunity of hearing. As such, the impugned order of appointing Administrator on the Agricultural Produce Market Committee, Gangakhed is bad in law and needs to be quashed and set aside. It is further prayed by the petitioners to issue writ of mandamus or any other appropriate writ or direction to the respondent-authorities to act upon as per the Government order dated 10.07.2020 issued by the Deputy Secretary, Maharashtra State, Mantralaya, Mumbai.

WRIT PETITION NO. 6593/2020 (AGRICULTURAL PRODUCE MARKET COMMITTEE, SHRIRAMPUR, DIST. AHMEDNAGR).

11. The elections of the Agricultural Produce Market Committee, Shrirampur were held in the year 2015 for the term of the year 2015-2020. The term of the Committee came to an end on 05.09.2020. The Government of Maharashtra by taking into consideration Covid-19 pandemic, spreading in the State constrained to postpone the elections of the Committee for a period of six months. The Chairman of the APMC, Shrirampur submitted a proposal to the State Government for extension of the term. No decision was taken by the State Government. The

petitioners had filed writ petition No. 6073/2020 seeking directions to the Government to take decision on the proposal. This Court directed the State Government to take decision on the proposal submitted by the petitioners within a period of two weeks with the observation that since the decision is pending with the Government, it is expected that Government will not take precipitating steps regarding appointment of Administrator till the decision is pending.

12. The petitioners rushed to the Court by invoking writ jurisdiction and sought protection in case any adverse order is passed by the State authorities.

13. By way of subsequent development when the petition was pending, the State Government has turned down the proposal of the APMC, Shrirampur and appointed Administrator on the APMC, Shrirampur. According to the petitioners, the impugned order dated 29.09.2020 appointing Administrator on the APMC, Shrirampur is bad in law. The State has appointed Administrator by way of colourable exercise of jurisdiction. The Administrator has not taken the charge of APMC, Shrirampur and by way of interim order, this Court has protected the petitioners by directing to the Administrator not to take the charge of the Committee if not already taken. According to the petitioners, the impugned order needs to be quashed and set aside since it is contrary to the provisions of Section 14 (3) of the Act, 1963.

WRIT PETITION NO. 6623/2020 (AGRICULTURAL PRODUCE MARKET COMMITTEE, CHAKUR, DIST. LATUR).

14. The term of the APMC, Chakur came to be expired on 06.09.2020. Due to Covid-19 pandemic, the State Government was constrained to postpone the elections of APMC in the State. The Committee could not proceed to finalize the voters list as well as further necessary requirements to hold elections prior to 04.08.2020. The Managing Committee of APMC, Chakur by majority of votes passed resolution on 01.09.2020 to seek an extension from the State Government in view of the provisions of the Act, 1963. The resolution was forwarded to the District Deputy Registrar, Latur by the APMC, Chakur along with the proposal. The said proposal was pending for consideration with the State Government. Respondent No. 3 has issued impugned order without waiting for the decision of the State Government on the proposal submitted by the APMC, Chakur and appointed an Assistant Registrar, Co-operative Societies, Chakur on 16.09.2020 as an Administrator on the APMC, Chakur. The action of respondent No. 3 is bad in law. The State Government has given extension to various APMCs in the State but exception is made for APMC, Chakur. The petitioners have challenged the impugned order of appointing Administrator by invoking writ jurisdiction.

WRIT PETITION NO. 6626/2020 (AGRICULTURAL PRODUCE MARKET COMMITTEE, PACHORA, DIST. JALGAON).

15. The term of APMC, Pachora came to an end on 18.09.2020. Due to Covid-19 pandemic, the State Government was constrained to postpone the elections of the APMC in the State. The APMC, Pachora

passed a resolution in the meeting on 07.09.2020 to submit a proposal to the State Government for extension of the term as per Section 14 (3) of the Act, 1963. The proposal was sent to the Assistant Registrar, Co-operative Societies, Pachora, Dist. Jalgaon. The Assistant Registrar, Co-operative Societies, Pachora forwarded the proposal to the District Deputy Registrar, Jalgaon. The District Deputy Registrar, Jalgaon forwarded the said proposal to the State/Respondent No. 1 with recommendation and same was pending with the State Government. No decision was taken by the Government. According to the petitioner, the State Government has granted extension to several APMCs in the State of Maharashtra on the ground that elections are postponed due to Covid-19 pandemic and no fault lies with the Committees. The petitioner was about to file the writ petition for seeking directions to the State Government to allow the Committee to continue as In charge in view of the directions given by the Principal Seat at Bombay in writ petition stamp No. 92335/2020. However, all of a sudden, the District Deputy Registrar, Jalgaon passed an order and dissolved Managing Committee, Pachora and appointed an Assistant Registrar, Co-operative Societies, Pachora as an Administrator on the APMC, Pachora by an order dated 21.09.2020. According to the petitioner, the impugned order is politically motivated and bad in law. The State Government has granted extension to the term of several APMCs in the State. The State cannot take different view violating Art. 14 of the Constitution of India. The petitioner in the capacity as a Chairman of the APMC, Pachora, has challenged the impugned order of appointment of Administrator on APMC, Pachora by invoking writ

jurisdiction.

WRIT PETITION NO. 6646/2020 (AGRICULTURAL PRODUCE MARKET COMMITTEE, JAMNER, DIST. JALGAON).

16. The elections of the APMC, Jamner, Dist. Jalgaon were held in the year 2015. The term of five years of the Committee came to an end on 01.09.2020. Due to Covid-19 pandemic, the State Government has postponed the elections of APMCs in the State of Maharashtra. The State has also given extension to the various APMCs in the State. The APMC, Jamner has passed a resolution on 04.09.2020 to submit proposal to the Government for extension of term of the Committee. Accordingly, the proposal for extension of term was submitted to respondent No. 4. Respondent Nos. 5 and 6 have considered the proposal. The District Deputy Registrar with his recommendation submitted the proposal to the Director of Marketing, Pune and in turn, the proposal was submitted with recommendation to the Secretary, Co-operation, Marketing and Textile Department, Mantralaya, Mumbai. The same is pending with the State Government. No decision is yet taken by the State Government.

17. The State Government has appointed Mr D.V. Patil, Co-operative Officer (Grade – I) as Administrator on the APMC, Jamner vide its order dated 21.09.2020. According to the petitioner, the extension was granted to the APMCs which are ruled either by Nationalist Congress Party, Indian National Congress, or Shiv Sena. The impugned order of appointing an Administrator on APMC, Jamner, Dist. Jalgaon is bad in law. The petitioner has challenged the same by way of this petition.

WRIT PETITION NO. 6649/2020 (AGRICULTURAL PRODUCE MARKET COMMITTEE, AMALNER, DIST. JALGAON).

18. The elections of the APMC, Amalner were held in the year 2015. The term of the Committee came to an end on 14.09.2020. Due to outbreak of Covid-19 pandemic, the State Government has postponed the elections of the co-operative societies and market committees by order dated 10.07.2020. The Committee has passed resolution unanimously for extension of the term for further period of six months from 14.09.2020. The proposal was submitted to respondent Nos. 1 to 5 for extension of the term of the existing Body. Respondent No. 5 has recommended respondent No. 3 to submit necessary proposal to the State Government for extension of the term. The Director of Marketing, Maharashtra State, Pune vide letter dated 14.09.2020 submitted the proposal before the State Government with the recommendation to grant extension to the existing Body of APMC Amalner for further period of six months. On 21.09.2020, respondent No. 5 all of a sudden, appointed the Administrator on the APMC, Amalner. According to the petitioner, the action of the State Government is discriminatory. The State has extended the term of the Market Committees which belong to the Ruling Party and not extended the term of the APMC belonging to the Opposite Party. The petitioner has challenged the impugned order of appointment of Administrator by approaching this Court.

WRIT PETITION NO. 6913/2020 (AGRICULTURAL PRODUCE MARKET COMMITTEE, AMBEJOGAI, DIST. BEED).

19. The elections of the APMC, Ambejogai were held in the year

2015. Since the formation of the APMC, Ambejogai, the petitioner and Board of the Directors have taken decisions so as to improve the working of the APMC. However, in the meantime, they left NCP Party and joined BJP Party. The Directors belonging to NCP and local leaders of Ruling Party thereby pressurized the District Deputy Registrar to dislodge the Body. Because of the political pressure, the District Deputy Registrar has issued notice under section 45 of the APMC Act, 1963. All the Directors submitted in detail reply to the show cause notice. The petitioner in apprehension of adverse order, which may be passed by the District Deputy Registrar filed writ petition No. 13996/2018 and sought protection of 15 days. This Court pleased to grant protection for 15 days vide order dated 19.12.2018. The District Deputy Registrar did not follow the procedure for consultation with Apex Body i.e. the State Marketing Board. However, passed the order dated 02.07.2019 under political pressure of the Ruling Party. The petitioner has challenged the said order dated 02.07.2019 under Section 45 appointing Administrator by filing writ petition No. 6629/2019. After appearing the parties this Court pleased to protect the petitioner by continuing protection granted in writ petition No. 13996/2018. Due to Covid-19 pandemic, the Government has postponed the elections of the APMC by exercising powers under Section 14 (3-A) of the Act. The petitioner continued to occupy the chair. The development work of the APMC was going on like issuing tender notice. It is contended that because of the pressure of sitting MLC from Ruling Party, stay order was passed by the Hon'ble Minister. Against that stay order, the petitioner has preferred writ petition No. 6355/2020 wherein

notices were issued.

20. It is contended that due to political pressure, the District Deputy Registrar passed impugned order dated 01.10.2020 under section 15-A of the Act and dissolved the Managing Committee and appointed respondent No. 5 as Administrator. According to the petitioner, dissolving the Managing Committee under Section 45 and appointing Administrator under section 15(A)(1) is arbitrary and illegal. The State Government has made discrimination and protected the APMC, who are in the hands of Ruling Party and dissolved APMCs which are in the hands of opposite party. According to the petitioner, the action of the respondent-authority by appointing Administrator is violative and against the provisions of the Act, 1963. The Assistant Registrar, Co-operative Societies has not taken charge of the Committee in view of protection granted by this Court in writ petition No. 8629/2019. The petitioner has prayed to quash the impugned order.

WRIT PETITION NO. 6821/2020 (AGRICULTURAL PRODUCE MARKET COMMITTEE, BHOKARDAN, DIST. JALNA).

21. The elections of the APMC, Bhokardan were conducted in the year 2015. The term of the Managing Committee came to an end on 13.09.2020. Before expiry of the term of the Committee, the Board has passed resolution to conduct fresh elections for a term of five years and forwarded the proposal to the State Government. The State Government by taking into consideration Covid-19 pandemic, prevailing in the State constrained to postpone the elections of Co-operative Societies, Market Committees, etc. for a period of six months. The State Government

inspite of receiving proposal, has not taken any decision in the matter and that is why Committee constrained to file writ petition No. 6134/2020 and sought necessary directions regarding extension of term of the Market Committee. The said writ petition came to be disposed of in view of the statement made by the learned Assistant Government Pleader. The State Government has refused to extend the term of the present Committee by impugned order and decided to appoint Administrator on the APMC, Bhokardan. Feeling aggrieved by the impugned order passed by the Government dated 29.09.2020, the petitioners have approached this Court and challenged it by contending that it is bad in law.

WRIT PETITION NO. 6846/2020 (AGRICULTURAL PRODUCE MARKET COMMITTEE, JAFRABAD, DIST. JALNA).

22. The elections of APMC, Jafrabad were held in the year 2015. The term of the APMC, Jafrabad came to an end on 02.09.2020. Prior to the expiry of the term of APMC, Jafrabad, the Board has passed resolution with a request to conduct fresh elections for a term of five years and forwarded the proposal to the State Government. The State Government constrained to postpone the elections of Co-operative Societies, Market Committees, etc. for a period of six months due to Covid-19 pandemic. The petitioners have approached this Court by filing writ petition No. 6135/2020 and sought directions to the Government for extension of term of the Market Committee. The said writ petition came to be disposed of on the statement made by the learned Assistant Government Pleader that proposal of the petitioners would be decided within a period of four weeks. The State Government vide impugned order

dated 29.09.2020 has rejected the proposal to extend the term of APMC, Jafrabad and decided to appoint Administrator on the APMC. Feeling aggrieved by the said decision, the petitioners have approached this Court.

STAND OF THE STATE GOVERNMENT

23. The District Deputy Registrar, Co-operative Societies, Aurangabad has filed affidavit-in-reply on behalf of State/Authorities. It is the stand of the State Government that as per Section 14 (3A) of the Act, the term of the Committee is prescribed for a period of five years as per statute. The State Government has right to postpone the elections of the APMCs due to scarcity, drought, flood, fire or any other natural calamity or rainy season or any election programme of the State legislative or the Parliament or a local authority, coinciding with the election programme of any APMC or such other special reason. The said provision contemplates that the State Government has discretionary powers to postpone the election of the APMC. The petitioners are misconceiving and misinterpreting the orders of the State Government dated 10.07.2020. As per the said Government order dated 10.07.2020, the Government has postponed elections of APMCs for a period of six months due to Covid-19 situation. The order dated 10.07.2020 is very specific thereby granting time for holding elections to the Market Committee and not extending the term or granting extension to the existing Board of Directors of Market Committee. The Government has rightly rejected the proposals for extension of their term submitted by the respective APMCs of the

petitioners.

24. The Government has not granted extension of time to any of the existing Managing Committees. The extension is granted only for holding election of the Market Committees. It is further stand of the State Government that granting extension to the Market Committee is discretion of the State Government. The petitioners cannot claim as of right the extension of term for a further period of six months or so on. The provisions of Section 15A of the Act are very much clear to take care of such situation.

25. It is further stand of the State Government that right to continue an elected office is neither a constitutional nor a common law right but it is a statutory right. Second proviso to Section 14(3) of the Act gives discretion to the State Government to extend term of APMC where general elections of the Committee could not be held for reasons beyond control of Committee before expiry of term of office of its members. The petitioners cannot claim as of right that the State Government should extend the term under section 14 (3) of the Act, does not cast an obligation on the State Government to extend the term of the APMC after a period of five years. Thus, the State Government has justified its decisions of not granting extension to the respective APMCs and appointing Administrators.

26. It is further stand of the State Government that the petitioners have an alternate efficacious remedy to challenge the order passed by respondent No. 3 regarding appointment of the Administrator on the

APMCs in view of section 52B of the Act.

27. The District Deputy Registrar, Co-operative Societies has been delegated the powers by the Director of Marketing in respect of appointment of Administrator over the APMCs, vide Ordinance dated 29.11.2014 in exercise of powers under Section 15A of the Act. The respondent has appointed Administrator over the Market Committees. The petitioners have alternate remedy to challenge the order of appointment of Administrators and writ petition is not maintainable in the eyes of law.

28. In case of APMC Ambejogai, the complaints of farmers were received by the State Government wherein allegations are made against the Managing Committee/petitioners regarding huge amount of misappropriation during their service tenure. The Hon'ble Minister for Co-operation has directed to the Director of Marketing to make enquiry and submit report. Respondent No. 2 has passed an order regarding enquiry under section 40 (a) and (b) of the Act to make an enquiry and submit report. In that background, it is the stand of the State Government that APMC, Ambejogai cannot seek extension of their tenure when there are serious allegations of misappropriation of huge amount of the Market Committee. It is not the right of the Board of Directors to seek extension to their tenure. The State Government has taken conscious decision not to grant extension to the term of the APMC Ambejogai in the background of serious allegations of misappropriation.

29. We have heard Mr Hon, learned Senior Counsel, Mr V.D. Salunke, Mr S.S. Thombre, Mr M.V. Nagargoje, Mr D.B. Thoke, Mr A.B. Girase, learned counsels for the respective petitioners.

We have also heard Mr S.G. Karlekar, the learned Assistant Government pleader, Mr M.S. Karad, Mr R.R. Barhate, Mr Amit D. Ghute, Mr S.T. Shelke, Mr M.P. Kale, Mr Mahesh S. Deshmukh, Mr Nirmal N. Dayama and Mr U.S. Patil, learned counsels for the respective applicants/ intervenors.

SUBMISSIONS OF LEARNED SENIOR ADVOCATE APPEARING FOR THE RESPECTIVE PETITIONERS/APMCs AND LEARNED ADVOCATES APPEARING FOR RESPECTIVE PETITIONERS/APMCs.

30. It is submitted that APMCs have passed resolution for grant of extension of term of the Committee by passing necessary resolutions. The resolutions were forwarded through competent authority to the State Government. In some cases, the proposals for appointment of Administrators were pending for decision when Administrators came to be appointed. In some cases, the State Government has refused to grant extension to the Committees and appointed Administrators. In two cases, viz APMC, Bhokardan and APMC, Jafrabad, Administrators are yet not appointed.

31. It is main attack of learned counsel appearing for the respective APMCs that the Government has granted extension to some APMCs in the State which belong to the Ruling Party and refused to grant extension to those APMCs which belong to opposite party. The decision of appointing the Administrators on respective APMCs is colourable

exercise of powers. The decision of appointing Administrators on the APMCs is under political pressures. The State Government has not taken any policy decision in view of the provisions of Section 14 (3) of the Act. The decisions of appointing Administrators on APMCs of respective petitioners are misuse of powers. No reasons are assigned by the State Government while appointing Administrators on APMCs of the petitioners. There were no allegations of mismanagement or misappropriation by the respective APMCs of the petitioners. As such, there was no reason for the State Government to appoint Administrators on the said APMCs.

32. Due to Covid-19 pandemic, it is not possible for the State Government to conduct the elections of APMCs, and as such, the State Government ought to have granted extension to the APMCs of the petitioners to run the APMCs properly. It is vehemently argued that the State Government is adopting the pick and choose policy in granting extension to certain APMCs in the State. The State Government has completely overlooked the import of Section 14 (3) and should have granted extension to the Committee by taking into consideration Covid-19 pandemic. The State Government ought to have considered Section 14 (3) where the general elections of the members of the Committee could not be held for reasons beyond the control of the Committee before expiry of the term of office of its members. The State Government ought to have given extension to the term of the office of Members of the APMCs, which shall not exceed period of one year in the aggregate. The State Government is giving different treatment to the APMCs which are run by the opposite parties and thereby causing injustice by appointing

Administrators. The decisions taken by the State Government for appointment of Administrators on the respective APMCs of the petitioners is bad in law. It is liable to be quashed and set aside.

33. To buttress the arguments, the learned counsel for the petitioners have placed reliance on the the following citations :-

(i) Udhav Shalikram Geete Vs. State of Maharashtra & ors reported in 2014 (6) Bom.C.R. 812 (Bombay High Court) (Nagpur Bench).

(ii) Shrikrushana Haribhau Ghuikar and others Vs. The State of Maharashtra, through its Secretary, Agriculture and Co-operation Department, Mantralaya, Mumbai-32 and others in Writ Petition No. 1384/2016 dated 21.03.2016 (Bombay High Court) (Nagpur Bench).

(iii) Babasaheb s/o Apparao Akat and others Vs. The State of Maharashtra and others reported in 2010 (4) Mh.L.J. 360.

SUBMISSIONS OF LEARNED ASSISTANT GOVERNMENT PLEADER

34. According to the learned Assistant Government Pleader, Section 14 of the Act, 1963, gives discretionary powers to the State Government. Proviso to Section 14 (3) and Section 14(3A) of the said Act gives powers to the State authorities under what circumstances term of the Managing Committee or the Board of Directors can be extended. If the State Government found that in facts and circumstances, it is not necessary to grant extension to the Committee of APMC in the interest of the affairs of the APMC, then the State may refuse to grant extension. Section 15A of the Act of 1963 also provides that once the term of Board of Directors came to an end, the powers are vested with State authorities to appoint Administrators on the APMC. The State Government by exercising the powers vested with it under section 15A (1) (a) of the Act, has taken decision for appointing Administrators on the respective

APMCs. It is submitted that the petitioners - APMC cannot seek extension of term as of right in appropriate cases. The State has given extension to the certain APMCs and in certain cases, refused to grant extension to the APMCs in the State of Maharashtra by exercising its discretionary powers vested under the provisions of the Act of 1963.

35. It is submitted that in the case of APMC, Ambejogai, there were serious allegations of misappropriation by the Board of Directors. The Hon'ble Minister for Co-operation was pleased to issue directions to the Director of Marketing to make enquiry and submit the report. Accordingly, the enquiry was conducted and report was submitted. The petitioners of APMC, Ambejogai cannot seek extension of their tenure in view of the serious allegations of misappropriation of huge amount of the Market Committee. The State Government has appointed Administrator on APMC by considering serious allegations of misappropriation.

36. According to the learned Assistant Government Pleader, APMC, Khultabad has submitted the proposal to the authority for amalgamation of APMC, Khultabad with APMC, Aurangabad. In Writ Petition No. 9335/2019, the directions are sought to the respondent-authorities to amalgamate APMC, Khultabad with APMC, Aurangabad by taking necessary decisions on the said proposal and the petition is pending before the High Court. On the said proposal of APMC, Khultabad, the authority has submitted a detailed report to the Managing Director of Maharashtra State Marketing Federation, Pune on 18.03.2020. It would be in the interest of both APMCs viz APMC, Khultabad and

APMC, Aurangabad to amalgamate APMC, Khultabad in APMC, Aurangabad. The authority has taken an appropriate decision which is legal and valid. The learned Assistant Government Pleader submitted that the State Government has used discretionary powers in granting extension to the APMC Committees as well refusing to grant extension having regard to the factual scenario of each Committee. No case is made out by the petitioners APMC Committees to interfere with the decision of the State Government. The alternate remedy is also available to the APMC to challenge the order of appointment of Administrator before the competent authority and writ petition is not maintainable.

37. Mr Karlekar, the learned Assistant Government Pleader has relied upon following citations in support of his argument :-

(i) Udhav Shalikram Geete Vs. State of Maharashtra & ors reported in 2014 (6) Bom.C.R. 812 (Bombay High Court) (Nagpur Bench).

(ii) Agricultural Produce Market committee, Arvi and another Vs. State of Maharashtra and others reported in 1988 Mh.L.J. 228.

38. Before going into the arena of dispute, it is obvious to consider relevant provisions of the Act of 1963. Section 14 (3) and (3A) and Section 15A. (1) (a) and (b) of the Act are as under :-

14. Election and term of office of members.

(1).....

(2).....

(3) Except as otherwise provided in this Act, the members of a Market Committee (not being a Committee constituted for the first time) shall hold office for a period of (five years), and the members of a Committee constituted for the first time shall hold office for a period of two years:

[Provided that, the Market Committee constituted for the first time, may be replaced shall hold office for the remainder of the period:]

[[Provided further that], where the general election of members of a Committee could not be held for reasons beyond the control of the Committee before expire of the term of office of its members as aforesaid, the State Government may, by order in the *Official Gazette*, extend from time to time, the term of office of any such Committee, so however, that the period for which the term of office is so extended shall not exceed the period of one year in the aggregate.]

[(3A) Where due to scarcity, draught, flood, fire or any other natural calamity or rainy season or any election programme of the State legislature or the Parliament or a local authority, coinciding with the election programme of any Market Committee or such other special reason, in the opinion of the State Government, it is not in the public interest to hold elections to any Market Committee, the State Government may, notwithstanding anything contained in this Act or in any rules, or bye-law made thereunder, or any other law for the time being in force, for the reasons to be recorded in writing, by general or special order, postpone the election of any Market Committee for a period not exceeding six months at a time which period may further be extended, so, however, that the total period shall not exceed one year in the aggregate.]

[15A. Provision for appointment of Administrator after normal or extended term of office of members expires.

(1) Notwithstanding anything contained in sub-section (3) of section 15 or any other provisions of this Act, where the term of office of two years, five years, or as the case may be, the extended term of office, if any, under the proviso to sub-

section (3) of section 14 [-----] of the members of any Market Committee, has expired, the Director or any officer not below the rank of the District Deputy Registrar of Co-operative Societies, authorised by him shall, by order in writing, direct that -

(a) all members of the Committee shall, as from the date specified in the order, cease to hold and vacate their offices as members or otherwise; and

(b) [the Administrator or the Board of Administrators appointed by the Director or such authorised officer shall manage the affairs of the Committee], during the period from the date specified in the order upto the day on which the first meeting of the reconstituted Committee after the election is held, where there is a quorum (hereinafter in this section referred to as "the said period"). Such election shall be held within a period of [Six months] from the date the [Administrator or the Board of Administrators] assumes office:

[Provided that, this period of [Six months] may be extended, from time to time by the State Government, in exceptional circumstances, to a period not exceeding [one year] in the aggregate, by notification in the Official Gazette, for reasons, which shall be stated in the notification.

FACTUAL SCENARIO SHOWING THE NAME OF APMC, DATE OF PROPOSAL AND DATE OF APPOINTMENT OF ADMINISTRATOR.

SR. NO.	NAME OF THE APMC	DATE OF PROPOSAL FOR EXTENSION OF TERM	DATE OF APPOINTMENT OF ADMINISTRATOR	Term ended on
1	APMC Aurangabad	08.06.2020	05.08.2020	04.08.2020
2	APMC Gangakhed, Dist. Parbhani	23.03.2020	27.08.2020	05.05.2020
3	APMC Shrirampur, Dist. Ahmednagar	10.08.2020	29.09.2020	05.09.2020

4	APMC Latur	Chakur, Dist.	03.09.2020	16.09.2020	06.09.2020
5	APMC, Jalgaon	Pachora, Dist.	10.09.2020	21.09.2020	18.09.2020
6	APMC Jalgaon	Jamner, Dist.	04.09.2020	21.09.2020	01.09.2020
7	APMC Jalgaon	Amalner, Dist.	09.09.2020	21.09.2020	14.09.2020
8	APMC Jalna	Bhokardan, Dist.	-	Not appointed	13.09.2020
9	APMC Jalna	Jafrabad, Dist.	09.03.2020	Not appointed	02.09.2020
10	APMC Beed	Ambejogai, Dist.	Approached Court	02.07.2019 and 01.10.2020	29.09.2020

39. The factual scenario referred above gives clear picture that the State has appointed Administrator on APMC Aurangabad, APMC, Gangakhed, APMC Shrirampur, APMC Chakur, APMC Pachora, APMC Jamner, APMC Amalner, APMC Ambejogai. Even though term of APMC Bhokardan and APMC Jafrabad are over, the Government has not yet appointed Administrator. Thus, out of 10 APMCs, the State Government has appointed Administrator on 8 APMCs. Section 14 (3) of second proviso of the Act of 1963 provides where the general election of members of a Committee could not be held for reasons beyond the control of the Committee before expiry of the term of office of its members, the State Government may extend its term from time to time but the period of the term so extended shall not exceed the period of one year in the aggregate. The State is also empowered to postpone the elections of APMC due to scarcity, drought, flood, fire or any other natural calamity for the reasons to be recorded in writing by general or special order, postpone the election of any Market Committee for a period not

exceeding six months at a time but the same period may be extended upto one year in the aggregate.

40. On studying the above said provisions of section 14 (3) and section 14 (3A) of the Act of 1963, it is crystal clear that the Government has discretionary powers to postpone elections of the APMCs in the State but period shall not exceed one year in the aggregate. The State is required to record the reasons for postponing the elections of APMCs. There cannot be debate about discretionary powers of the State to postpone elections. The question is about the manner in which the said provisions are exercised by the State Government puts serious question mark.

41. It is pointed out by the learned counsel for the petitioners that the State has granted extension to the following APMCs, but the petitioners APMCs are treated with step-motherly treatment.

Sr. No.	Name of the APMCs
1	APMC, Chikhali, Dist. Buldhana
2	APMC, Pathri, Dist. Parbhani
3	APMC, Phaltan, Dist. Satara
4	APMC, Raver, Dist. Jalgaon
5	APMC, Gondia
6	APMC Yawal
7	APMC Bhusawal
8	APMC Parola

42. Section 15A of the Act of 1963 throws light on the provisions for appointment of Administrator after normal or extended term of the

office of the members is expired. Again said powers of the State Government are not disputed by the petitioners APMCs. The manner in which the State has appointed Administrators on the APMCs of the petitioners is seriously under cloud. It is pointed out by the learned counsel for the petitioners that certain APMCs are granted extension of the term in a routine way but petitioners APMCs are made exception. The State has refused to grant extension to the petitioners APMCs without assigning any cogent reasons. The pick and choose policy seems to have been adopted by the State Government while granting extension to certain APMCs in the State. No reasons recorded while granting extension to those APMCs. Equally no reasons recorded while not granting extension to the petitioner – APMCs. There is reason to take doubt about such exercise of discretionary powers by the State in view of above state of factual matrix.

43. To grant extension to the term of APMCs under section 14(3) of the Act of 1963 is certainly discretion of the State Government. The discretion that vests with the Government is not an unregulated discretion, but discretion needs to be exercised as per the applicable norms, rational behind it coupled with circumstances appearing on record while granting extension or refusing the same. The State Government is not expected to use its discretionary powers under section 14 (3) of the Act of 1963 arbitrarily, capriciously and without recording cogent reasons. The decision of granting or refusing extension to the APMCs must be impartial, fair and supported by reasons. The State is required to take policy decision in this regard by considering the proposals given by the

respective Board of the APMCs by applying mind. If Board of APMC is functioning well and protecting the interests of the farmers needs to be considered for grant of extension of the term in view of the extraordinary situation of Covid-19 pandemic. Of course, if Board of APMC is found to be indulged in corrupt practices, malpractices and not protecting interest of the farmers, certainly, the State can refuse the extension by recording such reasons as contemplated under section 14 (3) of the Act of 1963.

44. We have studied the impugned orders/decisions whereby State has appointed Administrators through the District Deputy Registrar. The impugned decisions of appointing Administrators on the petitioners APMCs are seriously under cloud. No plausible explanation is forthcoming from the side of the State. On the certain APMCs viz APMC Chikhali, Dist. Buldhana, APMC Pathri, Dist. Parbhani APMC Phaltan, Dist. Satara, APMC Raver, Dist. Jalgaon, APMC Gondia, APMC Raver, APMC Yawal, APMC Bhusawal and APMC Parola are given red carpet treatment by granting extension and some APMCs are treated with step-motherly treatment by refusing to grant extension even though APMCs are not found indulged in malpractices. It is a question of policy decision and certainly topmost authority ought to have considered all the angles. Unfortunately, no such serious thought seems to have been given by the State authorities while exercising powers under section 14 (3) of the Act of 1963. It appears that it is a case of colourable exercise of the powers by the State Government to maintain political balance and favour certain APMCs.

45. We have also called the original file from the Department of Co-operation and Marketing, Mantralaya, Mumbai regarding APMC Aurangabad. On perusing the file, it appears that Note sheet was put up before the higher authority to consider the proposal of the APMC Aurangabad with relevant provisions of the Act of 1963. However, in one line proposal for extension of term of APMC came to be turned down by stating that there is no need to grant extension. It is not a compliance of section 14 (3) of the Act of 1963. When a particular provision provides that before granting extension or refusing the same, the State shall record reasons certainly, decision must be supported by recording reasons. As such, the impugned decision of refusing to grant of extension to the APMC is found defective in view of section 14 (3) of the Act of 1963.

46. Same is the case of remaining 7 APMCs. No reasons are assigned by the State while refusing to grant extension to them. It is nowhere stated in the impugned orders that respective Board of APMCs are indulged in corrupt practices, malpractices, or there is misappropriation or APMC is not protecting interest of the farmers and interest of the APMC. Had it been such a case, then the decision taken by the State Government could have been appreciated, but such is not the position as we have witnessed.

47. So far as the APMC, Ambejogai is concerned, again decision of appointing Administrator appears to be under serious cloud. The APMC, Ambejogai has rushed to this Court much earlier in the year 2018 apprehending that State may appoint Administrator and this Court was

pleased to grant protection when there was no Covid-19 pandemic. Subsequently, the complaints seems to have received by the State Government about affairs of the APMC Aurangabad and on those alleged complaints, enquiry seems to have been ordered by the Hon'ble Minister for Co-operation. This act of State Government appears to be after thought with a view to take control of APMC, Ambejogai by appointing Administrator.

48. So far as the remaining APMCs are concerned, there are no such complaints of corruption, misappropriation in the said APMCs on record even then the State has refused to grant extension without recording sufficient reasons. Those impugned decisions are violative of section 14 (3) of the Act of 1963.

49. In the case of ***Babasaheb s/o Apparao Akat and others Vs. State of Maharashtra and others*** (*supra*), the Division Bench of this Court has held that if election of APMC could not be held because of Assembly Election, the appointment of Administrator straightway is not justified in absence of any allegation of mal-administration or misfeasance committed by members of the Committee. The Division Bench observed that the approach of the appropriate authority in issuing the orders of appointment of Administrator cannot be sustained in view of section 14 (3) and 15-A of the Act of 1963.

50. In the case of ***Diliprao M. Mokashi and another Vs. State of Maharashtra and others reported in 2017 (1) Mh.L.J. 677***, it is held by the Division Bench of this Court that the State Government in order to

extend the term of office of APMC must record its satisfaction in view of section 14 (3), second proviso of Act, 1963 that general election of members of the Committee could not be held by it before expiry of term for reasons beyond control of the Committee.

51. In case of ***Bhagwan Sampatrao Ghodmare and Anr. Vs. State of Maharashtra and others reported in 2017 (4) Mh.L.J. 394***, it is held by the Division Bench of this Court at Nagpur that power of State Government under section 14(3A) is overriding in nature as it operates notwithstanding anything contained in Act of 1963. While postponing the election of the Committee, grounds must be found to be sufficient by the State to postpone election in public interest. The State Government is required to demonstrate grounds while issuing the order of postponement of election of APMCs.

52. In the case of ***Agricultural Produce Market committee, Arvi and another Vs. State of Maharashtra and others reported in 1988 Mh.L.J. 228***, it is held by the Division Bench of this Court at Nagpur that section 15A of the Act of 1963 is not violative of Art. 14 of the Constitution of India. The provision is mandatory. The hearing is not necessary.

53. In case of ***Udhav Shalikram Geete Vs. State of Maharashtra & ors reported in 2014 (6) Bom.C.R. 812 (Bombay High Court) (Nagpur Bench)***, it is held by the Division Bench of this Court at Nagpur that right to continue in an elected office is neither a constitutional nor a common law right but it is a statutory right. The term of Agricultural Produce Market Committee can be extended by the State Government by

exercising its discretion in view of section 14(3), second proviso of the Act of 1963. It is not obligatory to extend the term of APMC after the period of five years.

54. Having regard to the stock of citations relied upon by both the sides and the position of law laid down in those citations, legal proposition is very much clear. No APMC can claim extension of term as of right. The member of APMC has no right to continue in an elected office. Right to continue in an elected office is neither a constitutional nor a common law right. It is a statutory right given by the Act of 1963. The State Government has discretionary powers to extend the term of APMC. It is not obligatory on the part of the State to extend the term of APMC after expiry of period of five years term. The factual scenario arising out of respective petitions of APMCs has projected a picture that the State has used its discretionary powers in an arbitrary and capricious manner. As discussed herein before, certain APMCs have been given extension without assigning any reasons and certain APMCs are not given extension without assigning any reason and straightway Administrators came to be appointed on the said APMCs. This action of the State of Maharashtra is nothing but pick and choose policy as per its convenience. There is no rational behind it.

55. The State Government has taken a decision to postpone the elections of APMCs in the State of Maharashtra due to extraordinary situation of Covid-19 pandemic. The decision of the State Government to postpone the elections of APMCs in the State of Maharashtra cannot be

faulted with in the present scenario. The question is about granting extension to the APMCs in the State. To grant extension to the APMCs is a policy decision. It would be a uniform decision by the State Government on the subject as a policy matter. No policy decision seems to have been taken by the State Government having regard to the pros and cons of the impugned decisions regarding the appointment of Administrators. The impugned decisions of the State Government are nothing but colourable exercise of the powers. The impugned decision taken by the State for appointing Administrators on the respective APMCs of the petitioners are not fulfilling the requirement as enumerated under section 14(3) of the Act of 1963. As such, the impugned decisions are found defective in the eye of law. Those do not stand on the legal platform. We have no manner of doubt to arrive at conclusion that impugned decisions are outcome of colourable exercise of powers and do not sustain in the eyes of law. Those decisions need to be quashed and set aside.

56. With these reasons, we conclude and proceed to pass the following order :-

ORDER

- (i) The impugned decisions of the State authorities of appointing Administrators in respect of the APMC Aurangabad, APMC Gangakhed, APMC Shrirampur, APMC Chakur, APMC Pachora, APMC Jamner, APMC Amalner and APMC Ambajogai are hereby quashed and set aside.

- (ii) The State authorities are directed to take decision afresh on the proposals of extension of the Board of APMCs submitted by the petitioners APMCs by taking into consideration the appointment of Administrators in State of Maharashtra in view of postponement of elections of APMCs due to Covid-19 pandemic and also the record of complaints if any against the Board of Directors.
- (iii) However, the Board of above said APMCs shall not take policy decisions, till the State authorities take decision on their proposal a fresh.
- (iv) Rule is made absolute accordingly.
- (v) Writ Petitions stand disposed of.
- (vi) Civil Applications also stand disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S.V. GANGAPURWALA, J.]

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