

THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

WRIT PETITION NO. 8215 OF 2021

1. Dattatray Shamrao Jeve
Age: 50 years, Occ: Agri.,
R/o. Khadkat. Tq. Ashti,
Dist. Beed.
2. Shivaji Laxman Anarse
Age: 53 years, Occ: Agri.,
R/o. Kerul, Tq. Ashti,
Dist. Beed.
3. Ramesh Rajaram Doke
Age: 40 years, Occ: Agri.,
R/o. Devlali, Tq. Ashti,
Dist. Beed.
4. Hiralal Nensukhlal Baldota
Age: 55 years, Occ: Agri.,
R/o. Devinimgaon, Tq. Ashti,
Dist. Beed.
5. Kamal Shankar Misal
Age: 55 years, Occ: Agri.,
R/o. Pangra, Tq. Ashti,
Dist. Beed.
6. Ramjan Noor Mohammad Tamboli
Age: 45 years, Occ: Agri.,
R/o. Kada, Tq. Ashti,
Dist. Beed.
7. Rajendra Aasaram Dahatonde
Age: 50 years, Occ: Agri.,
R/o. Undarkhel, Tq. Ashti,
Dist. Beed.

8. Ashok Dattu Dhavan
Age: 52 years, Occ: Agri.,
R/o. At Sheri Khurd, Post Kada,
Tq. Ashti, Dist. Beed.
9. Navnath Sakharam Jagtap
Age: 55 years, Occ: Agri.,
R/o. Pimpri Bhumari, Tq. Ashti,
Dist. Beed.
10. Ashok Mohan Pawar
Age: 40 years, Occ: Agri.,
R/o. Pimpri Ashti, Tq. Ashti,
Dist. Beed.
11. Yogesh Sumitlal Bhandari
Age: 48 years, Occ: Agri.,
R/o. Kada, Tq. Ashti,
Dist. Beed.
12. Sukhalal Pannalal Mutha
Age: 60 years, Occ: Agri.,
R/o. Ashti, Tq. Ashti,
Dist. Beed.
13. Janaradhan Kundlik Bhavar
Age: 55 years, Occ: Agri.,
R/o. Pimpala, Tq. Ashti,
Dist. Beed.
14. Kusumbai Baban Tarte
Age: 60 years, Occ: Agri.,
R/o. Doithana, Tq. Ashti,
Dist. Beed.
15. Pushpa Janardhan Malshikhare
Age: 45 years, Occ: Agri.,
R/o. Ghongadewadi, Tq. Ashti,
Dist. Beed.
16. Shatrughan Laxmanrao Markad
Age: 55 years, Occ: Agri.,
R/o. Sangvi Patan, Tq. Ashti,
Dist. Beed.

17. Raosaheb Gorakh Gadhe
Age: 55 years, Occ: Agri.,
R/o. Pimpri Ashti, Tq. Ashti,
Dist. Beed.

... PETITIONERS

VERSUS

01. The State of Maharashtra,
Through its Secretary,
Co-operation, Marketing And Textiles Department,
Mantralaya, Mumbai-400 032.
02. The District Deputy Registrar
Co-Operative Societies, Beed.
Tq. and Dist. Beed.
03. The Director of Marketing,
State of Maharashtra, Pune
3rd Floor, New Central Building,
Ambedkar Wellesley Road,
Pune. Maharashtra- 411 001.
04. Agricultural Produce Market Committee, Ashti,
Tq. Ashti, Dist. Beed.
The Administrator.

... RESPONDENTS

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Mr. Niteen V. Gaware, Advocate for Petitioners.

Mr. S. G. Karlekar, AGP for Respondent Nos.1 to 3.

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CORAM : **S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATE : 30th August, 2021.

ORAL JUDGMENT: (Per S. V. Gangapurwala, J.)

. Rule. Rule made returnable forthwith. Taken up for final hearing at admission stage.

2 We have heard Mr. Gaware, learned counsel for petitioners and Mr. Karlekar, learned Additional Government Pleader.

3 The petitioners are the elected Managing Committee Members of respondent No.4 APMC. The proposal filed by the petitioners for extension of the term is rejected.

4 It appears that the election of the Members of the Managing Committee of respondent No.4 is held in the year 2015 and the declaration was published on 4th December, 2015. The term of the Managing Committee of APMC came to an end in December 2020. The elections of the Managing Committee could not be held because of restraint placed by the Government in holding the elections because of Covid-19 pandemic. The said restraint still continues.

5 According to Mr. Gaware, learned counsel, it is not the fault of the petitioners in not holding the elections. It is because of Covid-19 pandemic and the nationwide lockdown declared on 24th March, 2020, the elections could not be held. The impugned order rejecting the proposal of the petitioners for extension of the term is also bad in law as no reasons have been given. The learned counsel submits that no inquiry is pending against the Members of the Managing Committee.

6 The learned AGP submits that it is a discretion of the authority in granting extension to the term or otherwise. The petitioners do not have vested right to continue with the term after the lapse of the term. The learned AGP placed reliance on Section 14 of the Maharashtra Agricultural Produce Marketing (Development and Regulation), Act.

7 There cannot be any dispute with the proposition that after the term is over, the Members of the Committee may not have vested right to continue in the office and it is the discretion of the Government/Authority to grant extension or not.

8 The discretion that vests with the Authority is not ordinary

or any unregulated discretion, but the judicious discretion, which has been exercised and as per the settled norms and without discrimination. It has been agitated by the petitioners that the Managing Committees of some of the APMCs have been granted extension. In the present case, the extension has been refused without assigning any reason. The impugned order is bereft of reasons and the order bereft of reasons cannot be sustained. The same would appear to be arbitrary. Arbitrariness is antithesis to the rule of law, equality, justice and fair play. Reasons are also now considered to be third pillar of the principles of natural justice.

9 This Court in its judgment and order dated 1st March, 2021 in Writ Petition No.5164 of 2020 with connected writ petitions, had set aside the orders rejecting the proposal for extension wherein the orders were bereft of reasons.

10 In light of the aforesaid judgment, the impugned order is also quashed and set aside.

11 The State Authorities shall take decision afresh on the proposal of extension of the Board of Members i.e. petitioners afresh.

12 Till the Authorities take decision afresh upon the proposal of the petitioners for extension, the board of respondent No.4 APMC shall not take policy decision.

13 Rule is accordingly made absolute. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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