

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

WRIT PETITION NO.1696 OF 2023

**CHANDRAPAL ANGADRAO KAMBLE
VERSUS
THE STATE OF MAHARASHTRA THROUGH JOINT
DIRECTOR OF MARKETING AND OTHERS**

...
Advocate for the Petitioners : Shri Shejwal Arun S.
AGP for Respondents 1 and 2 : Shri V.M. Kagne
...

**CORAM : RAVINDRA V. GHUGE
&
SANDIPKUMAR C. MORE, JJ.**

DATE :- 14th February, 2023

Per Court :-

1. The petitioner prays for a Writ of Mandamus to be issued by this Court to respondent No.1/ Joint Director of Marketing, Pune, to consider the objection application of the petitioner dated 19.12.2022.

2. It requires no debate that a Writ of Mandamus is a command by the High Court to the statutory authorities to exercise the jurisdiction duly vested in them by law and for not performing a statutory duty. The petitioner is competing with respondent No.4 for the post of the Secretary of the Agricultural

Produce Market Committee, Aurad Shahajani, Taluka Nilanga, District Latur. In this contest between the petitioner and respondent No.4, the petitioner is raising an objection to the appointment of the latter. The issue is whether, the law vests respondent No.4 with the jurisdiction to deal with such objections.

3. The petitioner is unable to point out any provision from the APMC Regulations or Rules that as and when the APMC considers the candidature of individuals to be appointed as the Secretary, objections are invited and the said objections are to be considered by respondent No.1. There is no such provision. If respondent No.4 is appointed, the petitioner will have to take recourse to the provisions that may permit a challenge to such appointment. Merely because the petitioner is competing with respondent No.4 and raising objections on his candidature, would not call for issuance of a Writ of Mandamus to respondent No.1, when there is no provision for calling for such objections, much less, to consider the objections while making an appointment.

4. In view of the above, **the Writ Petition is disposed off.**

5. If the petitioner has a remedy as is permissible in

law, he would be at liberty to take course to such remedy.

kps (SANDIPKUMAR C. MORE, J.) (RAVINDRA V. GHUGE, J.)