



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 6343 OF 2013

- 1) Harishkumar Ramanlal Oza,
Aged about 59 years, Occ.- Nil,
R/o Ward No.5, Deoli, Tq. Deoli,
District Wardha.
 - 2) ~~Laxminarayan Ayadanji Oza,~~ - (Deleted as per order
~~Aged about 72 years, Occ.- Nil,~~ dated 22-8-2024)
~~R/o Ward No.5, Deoli, Tq. Deoli,~~
~~District Wardha.~~
 - 3) Padmakar Uttamrao Gire,
Aged about 65 years, Occ.- Nil,
R/o Kurla – Nachangaon Road,
Pulgaon, Tq. Deoli, District Wardha.
 - 4) Vijay Wamanrao Salve,
Aged about 67 years, Occ.- Nil,
R/o Pulgaon, Tq. Pulgaon, District
Wardha.
- PETITIONERS

VERSUS

- 1) State of Maharashtra,
through Director Marketing,
Central Building (Annex),
Pune.
- 2) District Deputy Registrar,
Co-operative Societies, Wardha,
District Wardha.
- 3) Assistant Registrar,
Co-operative Societies, Deoli,
Tah.- Deoli, District Wardha.

4) Agricultural Produce Marketing Committee,
Pulgaon, through its Secretary,
Tq. Deoli, District Wardha.

5) Director of Marketing,
A.P.M.C., Central Annex Building,
Pune-01.

.... **RESPONDENTS**

Mr. S.K. Bhoyar, Counsel for the petitioners,
Mr. H. Marathe, A.G.P. for respondent Nos.1 to 3.& 5,
Mr. Anish Gahlod, Counsel h/f. Mr. S.S. Paliwal, Counsel for respondent
No.5.

CORAM : NITIN W. SAMBRE
& ABHAY J. MANTRI, JJ.
DATED : 22nd AUGUST, 2024

ORAL JUDGMENT : (Per : N.W. SAMBRE, J.)

Heard the learned Counsel appearing for the respective parties.

2. At the request of the learned Counsel appearing for the petitioner, we permit him to delete the name of petitioner No.2, which has to be carried out forthwith.

3. The petitioners' claim is that they are working as Weighmen with the respondent-Agricultural Produce Marketing Committee and are issued appropriate licences under the said Regulation. According to them, in the model bye-laws approved by the Director of Marketing, the maximum age of the issuance of the licence in favour of the Weighmen is prescribed at 58 years.

4. The challenge to the said condition is based on the unreasonableness and discriminatory.

5. It appears that the District Deputy Registrar, Co-operative Societies, Wardha in his affidavit duly sworn on 02-9-2014 has stated as under :

“3. -----

Hence, in pursuance of the aforesaid direction, the answering respondent submits that, the age of retirement of Weighman could be relax subject to condition that, the Weighman should provide his appropriate medical certificate of fitness after the age of 58 years.

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6. As such, the respondent, who has approved the model bye-laws has undertaken to relax the condition of maximum age limit of 58 years for the purpose of issuance of licence of working as a Weighman with the concerned A.P.M.C.

7. This court though has noted in the order dated 30-9-2014 that the clarification has to be required as regards the fitness certificate to be in appropriate proforma, till this date there is no response from the respondents so as to report compliance. Hence, we deem it appropriate to clarify based on the rival submissions that a fitness certificate from the registered Medical Practitioner certifying that the members of the petitioner association who are holding licences of Weighman issued by

the A.P.M.C. are physically and mentally fit to discharge such duty, will be sufficient to consider the claim of such candidates who have completed the age of 58 years, by the A.P.M.C. for continuation or issuance of licence.

8. In this background, nothing remains to be considered further. The petition accordingly stands disposed of with above observations.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

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