



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

WRIT PETITION NO.8257 OF 2023

[Agricultural Produce Marketing Committee .Vs. State of Maharashtra and Ors.]

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr K. S. Narwade, Advocate for Petitioner.
Ms S. Z. Haider, AGP for Respondent Nos.1 to 3.
Mr P. S. Chawhan, Advocate for Respondent No.4/Intervenor.

CORAM : **AVINASH G. GHAROTE AND**
SMT. M. S. JAWALKAR, JJ.

DATE : **21st FEBRUARY, 2024.**

. Heard Mr Narwade, learned counsel for the petitioner, Ms Haider, learned AGP for respondent Nos.1 to 3 and Mr Chawhan, learned counsel for respondent No.4.

2. This petition questions the undated order (Page 29), which is claimed to have been passed by the respondent No.4 dated 07.12.2023 (Page 28) on 08.12.2023.

3. By the said order, an enquiry has been directed in the allegations of corruption made by the respondent No.4 regarding the recruitment process with the petitioner APMC, Umarkhed and the further process of recruitment has been stayed till the completion of the enquiry.

4. It is contended by Mr Narwade, learned counsel for the petitioner, that the process of recruitment has commenced in the year 2022 and though the term of the APMC is in the first extension, now in terms of Section

14(3)(A) of the AMPC Act, that does not prevent the petitioner, from carrying out and completing the recruitment process. It is further contended, that earlier in the revision filed by the respondent No.4 by invoking Section 43 of the APMC Act, by the communication dated 18.07.2023, the entire process of recruitment was stayed, which has been vacated by the communication dated 28.11.2023 (Page 26). It is, thereafter, as the process commenced that the respondent No.4 wrote a single page letter dated 07.12.2023 to the Hon'ble Chief Minister, who by the impugned order directed an enquiry and granted stay to the entire process, till the completion of the enquiry.

5. It is contended, that such a coercive action was not permissible to be done and the order dated 08.12.2023 (Page 29), lacks jurisdiction and therefore cannot be sustained.

6. Neither the learned AGP nor the learned counsel for the respondent No.4 have been able to point out the power under which the order dated 08.12.2023, has been issued. That apart, the order is one liner *sans* any reason whatsoever. Though on the allegations of corruption, an enquiry may be permissible to be directed, however, without according any reason and indicating the source of power, the stay to the further recruitment cannot be granted. The impugned order dated 08.12.2023 therefore suffers from both the infirmities as indicated above, insofar as it grants stay in the recruitment process.

7. In the result, we have no other option, than to partly allow the petition by setting aside the impugned order dated 08.12.2023, insofar as it directs stay to the recruitment process, to be conducted by the petitioner.

8. The petition is accordingly partly allowed, in the above terms.

(M. S. JAWALKAR, J.)

(AVINASH G. GHAROTE, J.)