

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 13717 OF 2025

Sudarshan Nageshrao Bhojnakar

... Petitioner

versus

Mumbai Agricultural Produce Market
Committee and Others

... Respondents

...

Mr.Vivek V. Salunke for the Petitioner.

Ms.S.D.Vyas, Addl. GP with Mr.S.P.Kamble, AGP for Respondent Nos. 3
and 4, State.

...

**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.**

DATE : NOVEMBER 11, 2025

P.C:

1. The learned Advocate for the Petitioner submits that the learned Advocate for Respondent Nos. 1 and 2 have been served with the Advocate's notice through their official email and they have been informed of the hearing of this matter. The learned Addl.GP appears for Respondent Nos. 3 and 4, State.

2. The learned Advocate for the Petitioner further submits that one, Gopal Tukaram Mistari had preferred Writ Petition (St.) No. 97273 of 2020 against the same Mumbai APMC. In view of the said Petition, this

Court, by its order dated 2nd February 2021, directed Respondent No. 3, the Director of Marketing to deal with the representation of the said Petitioner. Consequently, the process for filling up the vacant post of Executive Engineer, APMC, by promotion, was undertaken and Gopal Tukaram Mistari was appointed. Now, Gopal Tukaram Mistari has superannuated on 31st May, 2025. The Petitioner desires that he should be appointed in his place.

3. There cannot be an unfettered executable right to promotion, except in peculiar facts and circumstances.

4. Considering the above, this Petition need not be kept pending. We are inclined to pass a general order that would not be adverse to the APMC and would be in the interest of its employees.

5. In view of the above, **this Writ Petition is disposed off** with the following directions:

- (a) If the post of Executive Engineer, APMC, has fallen vacant on 31st May 2025, and if there is no legal impediment, the concerned APMC shall initiate the process for filling up the post by promotion or as may be prescribed

under the applicable Rules, within 45 days from today;

(b) The procedure required for undertaking such an exercise shall be followed;

(c) We are not expressing any opinion as regards the right of the Petitioner to be promoted. He shall compete with all other eligible candidates in accordance with the promotional policy; and

(d) The said exercise shall be completed within a period of 60 days after initiation of the process as directed in clause (a) above.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)