

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

WRIT PETITION NO. 1980 OF 2024

Rajkumar S/o Yashwantrao Malve

Vs.

State of Maharashtra through Secretary, Ministry of Cooperation, Marketing and Textile
Department, Mumbai and others

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

Court's or Judge's orders

Shri R.L. Khapre, Senior Advocate assisted with Shri N.R. Tekade, Advocate for petitioner

Shri B.M. Lonare, AGP for respondent/State

Shri M.V. Samarth, Senior Advocate a/w Shri V.B. Bhise, Advocate for respondent Nos. 2 & 3

CORAM : SMT M.S. JAWALKAR, J.

DATE : 28.04.2025

Heard Learned Senior Counsel for petitioner,
learned Senior Counsel for respondents and learned Assistant
Government Pleader.

2. The order passed by the Ministry dated 29/02/2024, is under challenge in this petition. By this order, the appeal No. 45/2023 is rejected and the order passed by Divisional Joint Registrar, Co-operative Society, Amravati dated 06/04/2023, was confirmed. The Divisional Joint Registrar Cooperative Society, Amravati, by its order dated 06/04/2023, set aside the order passed by the APMC dated 24/05/2022 and also set aside the resolution No. 2 of

Administrative Committee dated 23/05/2022. The Enquiry Committee was directed as per Section 103 (1) of the APMC to reconsider after granting due opportunity to the petitioner to defend his matter.

3. Learned Counsel for petitioner submitted that he was not in receipt of documents and therefore, he could not file his written statement. When there is direction to reconsider after granting due opportunity, it would be appropriate to direct the Enquiry Committee to grant opportunity for filing written statement as documents are recently received in the present petition by the petitioner. As such, the enquiry has to be conducted from the stage of filing of written statement along with documents, if any. If required the Additional Chief Examination of the respondents already examined in the earlier enquiry may be allowed. The petitioner is at liberty to cross examine the witnesses and to examine his witnesses. As such, with these directions, the Enquiry Committee constituted under the APMC Act to conduct a fresh enquiry from the stage of filing of written statement. The Enquiry Committee is further directed to conclude the enquiry within a period of four months.

4. Parties to co-operate to the Enquiry Committee and see that the matter may be concluded within four months.

5. As termination of petitioner is set aside, the APMC shall consider to pay subsistence allowance as per Rules.

Corrected as per
Court's Order
dated 21.11.2025

5(a). The Respondents shall reinstate the Petitioner in his original post. If at all the Respondents are willing to suspend the Petitioner during enquiry, they may take recourse to the provisions of law i.e. Rule 100(6) of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Rules, 1967.

6. Writ Petition stands disposed of with these directions.

(SMT M.S. JAWALKAR, J.)

Jayashree..