



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

WRIT PETITION NO.5070 OF 2024

(Pandurang s/o Sonba Zade Vs. Prashant Dhote, District Deputy Registrar,
Co-operative Society, Chandrapur and others)

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

Court's or Judge's orders.

Mr. Kaustubh Deogade, Advocate for Petitioner.
Mr. S. V. Narale, AGP for Respondent No.1/State.
Mr. O. A. Ghare, Advocate for Respondent Nos.2 & 3.

CORAM: SMT. M. S. JAWALKAR, J.

DATE: 9th JANUARY, 2025.

Heard learned counsel for the petitioner, learned Assistant Government Pleader for respondent no.1 and learned counsel for respondent nos.2 and 3.

2. It is the contention of the petitioner that he is a member of Agricultural Produce Market Committee, Warora holding a valid license for Weightmen/Maparis. The petitioner has contested the election for the Board of Directors for the period 2023-24 to 2027-28 and elected as one of the Board Directors from the category of Hamal Mapari for the said period. It is further contention that petitioner applied for renovation of his license Mapari for the year 2024-25. The grievance of the petitioner was placed before the meeting of Board of Directors held on 27.03.2024 and it was resolved that the petitioner was completed 58 years of his age hence the license of the petitioner cannot be renewed.

3. It is informed that respondent no.2 stopped his

job to work as Mapari labour from 01.04.2024. He was called for hearing in-person by communication dated 25.04.2024 before respondent no.1 authority. He could not remain present. As such matter was fixed on 14.06.2024. The petitioner filed his reply before respondent no.1 and also relied on the judgment in Writ Petition No.6343/2013. It is further contended that respondent no.1 without considering the ratio, in the cited judgment, passed impugned order dated 08.06.2024 and discontinued the petitioner holding post of one of the Board of Directors. As against this learned counsel for respondent submits that there is no dispute over that ratio relied on by the petitioner. However, there is benefit of extension beyond the age of 58 years. He has to place on record medical certificate of competent Doctor. The learned counsel for respondent draw my attention to the age mentioned in the petition by the petitioner himself as 58 years. There is no record of his age as 55 years. Secondly, on page no.17 of the petition there is self declaration therein also his age is shown as 58 years. The school leaving certificate on page no.18 of the petition states date of birth as 01.12.1965. The petitioner himself placed on record application for renewal of license, wherein he has shown his age 59 years.

4. It is contended by the learned counsel for the petitioner that the age of the petitioner is 55 years if certificate of Doctor is perused. The medical fitness certificate dated 19.02.2024 is as under:

Medical Fitness Certificate

This is to certify that Weightmen

*named Mr. Pandurang Sonbaji Zade, aged
55 years found fit on examination.*

So please do the needful.

5. In view of the allegations in various communications by the petitioner and without there being any document supporting to his age as 55 years, I am satisfied that the certificate is issued without verifying the relevant documents in respect of the petitioner age. Moreover, the certificate does not have any seal to suggest that the Doctor himself has signed and issued certificate. In view thereof, the cited judgment laid down that even after 58 years of age, the license of Mapari shall be renewed after providing the appropriate medical certificate of fitness after the age of 58 years can't be made applicable here.

6. Considering the documents on record, I am satisfied that the certificate is not appropriate and it has issued without verifying the documents about the age. As such there is no substance in the petition. The petition stands dismissed.

JUDGE