



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 787 OF 2026

Purbhaji Marotrao Kanode And Others

VERSUS

The State Of Maharashtra Through Its Secretary And Others

Mr. L. H. Kawale h/f Mr. K. J. Suryawanshi, Advocate for petitioners
Mr. R. S. Wani, AGP for respondent-State

**CORAM : Smt. Vibha Kankanwadi &
Hiten S. Venegavkar, JJ.**

DATE : 23rd February, 2026

PER COURT :-

1. Present petition has been filed for following relief :

B. By issuing writ of mandamus or any other writ, order or direction in the like nature, in view of communication dated 6.1.2023 issued by respondent no. 2 Director of Marketing, MS Pune, the respondent no. 3 District Deputy Registrar Co-operative Societies Nanded be directed to take action on the proposal submitted by respondent no. 4 Market Committee for grant approval to the appointment of petitioners within stipulated period.

2. Heard learned Advocate for petitioners and learned AGP for respondent-State.

3. Petitioners are contending that they were working on the post of Clerk in respondent No. 4 Market Committee on the respective dates given in Paragraph No. 3 of the petition. According to them, they

are rendering their services continuously. The stepping pattern of respondent No. 4 was sanctioned by respondent No. 2 wherein there are 16 posts for Junior Clerks and only 11 Clerks including petitioners are working. When permanency was not given by respondent No. 4 to them, they had approached learned Industrial Court, Jalna by filing complaint ULP No. 21/2021. By interim order dated 25.06.2021, learned Industrial Court issued directions to respondent No. 4 not to change the service conditions of the petitioners and ultimately by judgment and order dated 24.11.2022 the said complaint ULP No. 21/2021 came to be partly allowed. Respondent No. 4 Market Committee was directed to sent proposal to the Director of Marketing for consideration of approval to grant permanency to the petitioners and thereafter, the Director of Marketing, Pune to take the decision on the said proposal as per the procedure. It appears that respondent No. 4 had approached this Court and Hon'ble Single Bench of this Court dismissed the Writ Petition No. 339/2025 by order dated 07.05.2025. The petitioner therefore, states that the order passed by the learned Industrial Court ought to have been executed and in that respect, in fact, the respondent No. 4 Market Committee had submitted the proposal dated 26.11.2022 to respondent No. 2 through respondent No. 3. Respondent No. 3 had forwarded the said proposal to respondent No. 2 vide letter dated 29.11.2022. However, the respondent No. 2 vide communication dated 06.01.2023

issued directions to the respondent No. 3 to take action as per Rule 100(5) of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Rules, 1967 (for short '**Rules 1967**') thereby the proposal is still pending in fact the order of the Industrial Court ought to have been followed in its true letter and spirit.

4. Learned AGP has taken instructions and now submits that the said proposal would be decided within a period of eight weeks.

5. It appears that there is confusion between the respondent Nos. 2 and 3, though the respondent No. 3 has forwarded the proposal which was submitted by respondent No. 4 to respondent No. 2, yet with some mistake and belief and placing reliance on the rule, it appears that again the directions have been given. In fact, when the petitioners claimed to be the employees of the Market Committee then how for granting permanency the respondent No. 3 would get the jurisdiction is a question. Rule 100(5) of Rules, 1967 is in respect of power to create or abolish posts and to approve appointment to a post or removal from the post appears to have been given to respondent No. 3. In fact, all these things would have been considered by learned Industrial Court as to who is having the power to regularize or give permanency to a post. Giving permanency will not definitely be under Rule 100(5) of Rules, 1967.

6. We dispose of the petition by directing respondent No. 2 to take decision on the proposal dated 26.11.2022 within a period of eight weeks from today.

(Hiten S. Venegavkar, J.)

(Smt. Vibha Kankanwadi, J.)

B. S. Joshi