

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13200 OF 2025

Arif Amajadkhan Pathan
Versus

...Petitioner

The State Of
Maharashtra And Others

...Respondents

Mr. Satyajeet A. Rajeshirke (Through VC) a/w. Mr. Gautam R. Kulkarni,
Mr. Rajvardhan S. Rane, Advocate for petitioner.

Mr. R. L. Chavan a/w. Ms. Shivali R. Chavan a/w. Mr. Dhanajay Rane a/w.
Ms. Siddheshwari R. Chavan, Advocate for respondent No.4.

Ms. Tejas, Kapre, AGP for respondents-State.

Coram : Madhav J. Jamdar &
Pravin S. Patil, JJ.

Date : March 18, 2026.

ORAL JUDGMENT (PER PRAVIN S. PATIL, J) :

1. The present Petition challenges the notice dated 3rd December 2025 issued by the Chairman and Secretary, Agricultural Produce Market Committee, Kolhapur, whereby the Petitioner has been informed that his licence to operate as a Tolaidar (Weighman) shall stand terminated on his attaining the age of 58 years.

2. It is the submission of the Petitioner that the criteria of age

prescribed under the bye-laws of the Society cannot be made applicable to him, as he is governed by the Maharashtra Mathadi, Hamal and Other Manual Workers (Regulation of Employment and Welfare) Act, 1969.

3. The Petitioner has also relied upon the judgments delivered by this Court at Nagpur in Civil Writ Petition No. 6343 of 2013 (Harishkumar Ramanlal Oza v. State of Maharashtra) and at Aurangabad in Writ Petition No. 5709 of 2017 (Yashwant Kashinath Aajbe v. State of Maharashtra), wherein an identical issue has been considered. It has been held that the age limit of 58 years prescribed by the APMC for continuation or issuance of licence can be reconsidered, subject to production of a fitness certificate issued by a registered Medical Practitioner certifying that the concerned member is physically and mentally fit to continue as a Weighman.

4. Mr. Chavan, learned Advocate for Respondent No. 4, has strongly opposed the Petition. According to him, the bye-laws specifically provide that a licence holder can continue only up to the age of 58 years. He submits that the said bye-laws are framed in accordance with the provisions of the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963 and are duly approved by the District Deputy Registrar, and therefore, are binding. According to him, the action taken by the Respondents is legal and proper.

5. Upon hearing both sides, it is evident that the view taken by this Court in the aforesaid judgments continues to hold the field. The said judgments have attained finality and have been implemented by the respective APMCs.

6. In the circumstances, paragraph 7 of the judgment in Writ Petition No. 6343 of 2013 would be relevant to refer in the present matter.

“7.This court though has noted in the order dated 30-9-2014 that the clarification has to be required as regards the fitness certificate to be in appropriate proforma, till this date there is no response from the respondents so as to report compliance. Hence, we deem it appropriate to clarify based on the rival submissions that a fitness certificate from the registered Medical Practitioner certifying that the members of the petitioner association who are holding licences of Weighman issued by the A.P.M.C. are physically and mentally fit to discharge such duty, will be sufficient to consider the claim of such candidates who have completed the age of 58 years, by the A.P.M.C. for continuation or issuance of licence.”

7. In view of the above, the Petitioner, who is otherwise eligible for continuation of the licence, is permitted to continue subject to the condition that he produce a fitness certificate issued by a registered Medical Practitioner certifying that he is physically and mentally fit to discharge the duties of a Weighman and consequently the impugned notice dated 3rd December 2025 is hereby quashed and set aside.

8. The Respondents are directed to consider the Petitioner’s application for renewal/continuation of licence on furnishing medical certificate, within a period of 30 days. .

9. The Writ Petition stands disposed of.

[Pravin S. Patil, J.]

[Madhav J. Jamdar, J.]