

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

WRIT PETITION NO. 391 OF 2026

Laxman Bhimrao Gadekar

VERSUS

Solapur Krishi Utpadan Bazar Samiti Solapur Thr Its Secretary And
Others

WITH

WRIT PETITION NO. 430 OF 2026

Mahadev Suddhappa Kumbhar

VERSUS

Solapur Krishi Utpadan Bazar Samitithr Its Secretary

WITH

WRIT PETITION NO. 432 OF 2026

Gurshantayya Sahrnappa Puranik

VERSUS

Solapur Krishi Utpadan Bazar Samiti Solapur Thr Its Secretary And
Others

WITH

WRIT PETITION NO. 433 OF 2026

Gafur Saifan Fulari

VERSUS

Solapur Krishi Utpadan Bazar Samiti Thr. Secretary And Ors.

WITH

WRIT PETITION NO. 642 OF 2026

Ramayya Rachayya Swami

VERSUS

Solapur Krishi Utpadan Bazar Samiti Solapur Thr Its Secretary And
Others

WITH
WRIT PETITION NO. 644 OF 2026

Allibhai Babu Bagwan
VERSUS
Solapur Krishi Utpadan Bazar Samiti Thr. Secretary Solapur And
Ors.

WITH
WRIT PETITION NO. 647 OF 2026

Revansidha Irappa Patane
VERSUS
Solapur Krishi Utpadan Bazar Samiti Thr. Secretary Solapur And
Ors.

Mr. Sandiip Mutaalik a/w Mr. Simran Sameena and Ms. Ketaki S.,
Advocate for Petitioners in all petitions
Mr. Abhijit Kulkarni, advocate for respondent no. 1-APMC, Solapur
in all petitions
Mr. Sanjay Rayrikar, AGP for respondent nos. 2 and 3.

CORAM : SACHIN S. DESHMUKH, J.
DATE : 21st APRIL, 2026.

P. C. :

1. Heard. Rule. Rule made returnable forthwith. By consent of the parties, Petitions are decided at the stage of admission.
2. The Petitioners have raised an exception to the order/communication dated 29/08/2025 rendered by Respondent

No. 1-Agricultural Produce Market Committee (Hereinafter referred to as 'APMC') Solapur which came to be endorsed by order dated 22/12/2025 rendered by Respondent No. 2-District Deputy Registrar, Sahakari and Pannan, Solapur in the Appeals presented by the Petitioners herein.

3. Since all the Petitions involve a common issue, they are taken up together for hearing.

4. The Petitioners are the duly licenced Weighmen working at APMC, Solapur for the last 15-20 years carrying out weighing of agricultural produce brought by the farmers alongwith the registered traders in the APMC. The Petitioners are also duly registered with the Mathadi Board established under The Maharashtra Mathadi, Hamal and Other Manual Workers (Regulation Of Employment And Welfare) Act, 1969 (Hereinafter referred as 'Act of 1969').

5. The licences for weighmen were issued and renewed annually without any objection by the APMC. However, on 01/09/2025, the respondent no. 1 issued an order, cancelling the licences of the Petitioners on the grounds that the Bye-laws of APMC clause 14(v)g

prescribed a maximum age limit of 58 years, only for the validity of the licence. Since, the Petitioners did not fit the criteria, vide Resolution dated 19/08/2025, the order dated 29/08/2025 came to be passed by Respondent No. 1.

6. Aggrieved by the same, the Petitioners presented separate Appeals under Section 9 of the The Maharashtra Agricultural Produce Marketing (Development And Regulation) Act, 1963 (Hereinafter referred as 'APMC Act') before the Respondent No. 2-District Deputy Registrar, Co-operative Societies (Sahakari & Pannan), Solapur. However, the same came to be rejected vide order dated 22/12/2025 and consequently, the Petitioners are before this Court.

7. In the backdrop of the aforesaid facts, learned counsel for the Petitioners submit that the orders under challenge are unsustainable. The APMC Act neither prescribes any age limit for the validity of the licence of weighmen nor empowers the Market Committee to impose such conditions in absence of employer-employee relationship. Both the authorities below have failed to consider that "Weighmen" are not the employees of the Market Committee and are independent workers registered under the Act of

1969. Therefore, service conditions for employees such as age for retirement does not apply to the Petitioners.

8. Learned counsel for the Petitioners further submits that the Petitioners had valid licences until March 2026. As such, it was not open for the respondents to cancel the same mid term, thereby violating the doctrine of legitimate expectation. The orders under challenge are rendered without providing any opportunity of hearing or enquiry to the Petitioners and are completely in violation to the principles of natural justice. As such, prayed to allow the Petitions.

9. In the process, learned counsel for the Petitioners has placed reliance on the following Judgments and Orders:

I. *Harishkumar Ramanlal Oza and ors Vs. State of Maharashtra and ors*¹

II. *Yashwant Kashinath Aajbe and Others Vs. The State of Maharashtra and ors*².

10. Learned counsel for Respondent No. 1-APMC submits that

1 Writ Petition No. 6343/2013

2 Writ Petition No. 5709/2017

once the Petitioners accepted the stipulations in the licence, as such, Rules and Bye-laws of the APMC are applicable, therefore, they are bound by the same and prayed to dismiss the petitions.

11. Learned AGP has supported the orders under challenge.

12. Having heard the submissions from the respective sides and upon perusal of the record, indicates that it is an undisputed fact that the Petitioners are working as weighmen in the APMC for several years and had valid licence till March 2026. However, without affording any opportunity, the orders under challenge came to be passed.

13. In the dint of Judgment dated 22/08/2024, the Division Bench of this Court in Writ Petition No. 6343/2013, the issue pending before this Court is no more *res integra* that the maximum age limit prescribed for the validity of the licence of weighmen, can be relaxed provided that the fitness certificate from a registered medical practitioner is issued in favour of the Petitioners declaring them to be physically and mentally fit to discharge their duties. Same has been followed by this Court in ***Yashwant Aajbe and ors*** (*Supra*) as well as in other similar proceedings.

14. Accordingly, the orders under challenge deserve to be quashed and set aside. However, by imposing costs upon the respondents for causing undue and unjustified hardships to the Petitioners-Weighmen.

15. Hence, following order:

ORDER

I. Writ Petitions are allowed in terms of prayer clauses (a) and (b).

II. The respondents are further directed to consider the applications of the Petitioners for renewal of licence without insistence upon the age limit, however, subject to Petitioners producing fitness certificate issued by a registered medical practitioner.

III. Respondent No. 1 is directed to pay an amount of Rs. 10,000/- to each petitioner as indicated in the cause title.

IV. The aforesaid costs shall be paid within period of four weeks from today

16. Rule is made absolute in above terms.

[SACHIN S. DESHMUKH, J.]

IRESH
MASHAL

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IRESH MASHAL
Date: 2025.04.24
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