



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.10192 OF 2025**

Balaji S/o Mhasnaji Devkatte,
Age-56 years, Occu. Agri. & Service,
R/o Dhadaknal, Post-Takali,
Tq. Udgir, District-Latur.

..Petitioner

Versus

1. Divisional Joint Registrar,
Co-operative Societies,
Latur Region, Latur.
2. District Deputy Registrar,
Co-op. Societies, Latur,
District-Latur.
3. District Deputy Registrar,
Co-op. Societies, Chha. Sambhajinagar,
Dist. Chhatrapati Sambhajinagar.
4. Agricultural Produce Market Committee,
Udgir, Tq. Udgir, District-Latur,
through its Secretary.
5. Zunjar S/o Ganpatrao Patil,
Age-56 years, Occu. Agri.,
R/o Wadavana, Tq. Udgir, District-Latur.
6. Hanmant S/o Sopanrao Shelke,
Age-51 years, Occu. Agri.,
R/o Dongarshelki, Tq. Udgir, District-Latur.
7. Bhivaji S/o Motiram Chikhle,
Age-61 years, Occu. Agri.,
R/o Shelhal, Tq. Udgir, District-Latur.
8. Shyamrao S/o Samrath Dawale,
Age-53 years, Occu. Service,
R/o Daul, Tq. Udgir, District-Latur.
9. Dnyaneshwar S/o Vishwambhar Patil,
Age-50 years, Occu. Agri.,
R/o Davangaon, Tq. Udgir, District-Latur.
10. Padmakar S/o Manohar Ugile,
Age-42 years, Occu. Agri.,
R/o Nalgir, Tq. Udgir, District-Latur.

11. Shivajirao S/o Hanumantrao Hude,
Age- 58 years, Occu. Agri.,
R/o Udgay Colony, Opp. Nanded Naka,
Udgir, Tq. Udgir, District-Latur. ..Respondents

Mr. Mahesh Deshmukh h/f Mr. U. L. Momale, Advocate for
Petitioner

Mr. S. K. Shirse, AGP for Respondent Nos.1 to 3.

Mr. S. S. Gangakhedkar, Advocate for Respondent No.4.

Mr. A. N. Irpatgire, Advocate for Respondent Nos.5 to 7.

Respondent No.8 is served.

Mr. M. P. Tripathi, Advocate for Respondent Nos.9 to 11.

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CORAM : S. G. CHAPALGAONKAR, J.
DATED : 05th MAY, 2026.

JUDGMENT:-

1. Rule. Rule made returnable forthwith. By consent of parties, matter is taken up for final hearing at the admission stage.

2. The present Writ Petition takes exception to order dated 31.07.2025 passed by Divisional Joint Registrar, Co-operative Societies, Latur in Appeal No.89/2024, thereby upholding judgment and order dated 06.09.2024 passed by District Deputy Registrar, Co-operative Societies, Chhatrapati Sambhajinagar, whereby petitioner has been disqualified from post of Director of respondent no.4/APMC.

3. The petitioner claims to be agriculturist having main source of income from agriculture. The petitioner contested election for post of Director of respondent no.4-Market Committee. He has been elected from Co-operative Societies Constituency, reserved for NT Category. The respondent nos.5 to 7 filed application under

Rule 10(2)(ii) of Maharashtra Agricultural Produce Market Committees (Election to Committee) Rules, 2017 (for short 'Rules of 2017') seeking petitioner's disqualification. On 06.09.2024, respondent no.3 passed order of disqualification of petitioner. Aggrieved petitioner filed Appeal No.89/2024 before respondent no.1/Divisional Joint Registrar, who dismissed Appeal upholding order of respondent no.3.

4. Mr. Mahesh Deshmukh, learned Advocate appearing for petitioner invites attention of this Court to reasoning adopted by Authorities while passing disqualification order against petitioner. He points out that petitioner has been disqualified by virtue of Rule 10(1)(g) of Rules of 2017, which contemplates disqualification if person is servant of Market Committee or of Government or Local Authority. The petitioner being teacher in private school is held to be disqualified under said Clause. In case of ***Bhagwan s/o. Nathaji Mirkad Vs. The State of Maharashtra and Ors. (Writ Petition No.6481/2007*** decided on ***27.02.2009***), Single Judge of this Court while dealing with disqualification provisions under Bombay Village Panchayat Act, 1958 held that person cannot be considered as Government Servant or servant of Local Authority only because he is employed at private school or college who receives grant-in-aid. Similar view is reiterated by Single Judge of this Court in case of ***Shivaji Manohar Kale Vs. Additional***

Divisional Commissioner, Aurangabad Division and Others¹,

wherein it has been held that person working as Junior Lecturer in college, though receiving aid from Government, would not incur disqualification and private school or college would not be covered by definition of Local Authorities. The school run by private management, simply because it receives grant-in-aid, cannot come within ambit and purview of terminology of Local Authority. It is, therefore, urged that impugned order deserves to be quashed and set aside.

5. Per contra, Mr. Irpatgire, learned Advocate appearing for respondent nos.5 to 7 supports impugned order. He points out that respondent nos.5 to 7 had moved respondent no.3 for disqualification of petitioner being Director of APMC, as he does not befitting term of agriculturist defined under Section 2(1)(b) of Maharashtra Agricultural Produce marketing (Development and Regulation) Act, 1963 (for short 'APMC Act, 1963'). According to Mr. Irpatgire, petitioner being teacher in school receiving grant-in-aid, is not engaged in agriculture, and his main source of income is not agricultural produce. However, Authorities mis-directed themselves and considered proceeding for disqualification under Rule 10(1)(g) of Rules of 2017.

¹ 2011 (6) Mh.L.J. 344.

6. Having considered submissions advanced by learned Advocates appearing for respective parties, it is discernible that petitioner contested election for post of Director of respondent no.4/APMC as an agriculturist. He has been elected from Co-operative Societies Constituency, reserved for NT Category. The respondent nos.5 to 7 moved respondent no.3 for disqualification of petitioner under Rule 10(2)(ii) of Rules of 2017. The respondent no.3 held that petitioner being teacher in aided school, incurred disqualification in terms of Rule 10(1)(g) of Rules of 2017. In Appeal filed by petitioner, respondent no.1 also upheld petitioner's disqualification under Rule 10(1)(g) of Rules of 2017.

7. The law laid down by this Court in cases of *Bhagwan s/o. Nathaji Mirkad* (supra) and *Shivaji Manohar Kale* (supra) clarifies that person employed in aided private school or college would not incur disqualification by treating him servant of Government or Local Authority. Apparently, impugned orders of disqualification passed under Rule 10(1)(g) of Rules of 2017, assuming petitioner to be Government Servant or servant of Local Authority cannot be countenanced.

8. Although Mr. Irpatgire, learned Advocate appearing for respondent nos.5 to 7 endeavours to impress upon this Court that respondent nos.1 and 3 mis-directed themselves while dealing with issue raised in respondents' application, this Court finds that

Authorities who are empowered to declare disqualification, erroneously clamped disqualification upon petitioner in terms of Rule 10(1)(g) of Rules of 2017. In result, impugned orders are liable to be quashed and set aside.

9. Needless to state here that, if respondent nos.5 to 7 wish to proceed against petitioner for disqualification on ground that he is not befitting definition of an agriculturist in terms of Section 2(1)(b) of APMC Act, 1963, they shall be at liberty to move afresh to respondents-Authorities. In that case, impugned orders shall not be treated as an impediment. The Authorities can independently examine whether petitioner is agriculturist and qualified to hold post of Director of APMC.

10. In result, Writ Petition succeeds and **allowed** in terms of prayer Clause (B) with liberty in favour of respondent nos.5 to 7 to move afresh before respondent no.3 seeking disqualification of applicant being non-compliant of definition of agriculturist within meaning of Section 2(1)(b) of APMC Act, 1963.

11. Rule is made absolute in above terms.

(S. G. CHAPALGAONKAR)
JUDGE