

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.11070 OF 2014

Indira Mahila Bachatgat, Thotwadi,
through its Secretary Padminibai
w/o Shivaji Bhutapalle.

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.Ram S. Shinde, advocate for the petitioner
Mr.S.G.Karlekar, A.G.P. for Respondents No.1 to 4.
Respondent No.5 served.
Mr.Vivek Bhavthankar, advocate for Respondent No.6.

**CORAM : R.M.BORDE &
P.R.BORA, JJ.**

DATE : 13th October, 2015

PER COURT:

1 The petitioner, a women self help group, is objecting to the order passed by Respondents granting authorisation for operating a fair price shop in favour of Respondent No.6-women self help group. The objection is raised mainly on the ground that petitioner-Group was allotted 11 marks during scrutiny of proposal, whereas, Respondent No.6-Group was allotted only 4 marks.

2 It is contended that there is some fabrication of record in respect of holding the parties qualified or disqualified, which puts question mark on the whole selection process.

3 An affidavit-in-reply has been presented on behalf of Respondent No.3 by the Assistant District Supply Officer, whereunder it has been stated that the petitioner-Group, although

obtained 11 marks during scrutiny, since the petitioner-Group did not submit bank pass book, scrutiny of the proposal in respect of financial viability could not be taken up. The petitioner, as such, was found to be disqualified on account of the defect, as pointed out above. However, thereafter petitioner-Group has submitted the passbook and defect was cured and petitioner-Group was held to be qualified. So far as Respondent No.6 – Group is concerned, said Group was also found to be qualified and as per Government Resolution dated 27th February, 2009, proposals of both, the petitioner as well as Respondent No.6 Group, were forwarded to the Gram Sabha. The Gram Sabha convened meeting on 19.01.2015 and proposal of Respondent No.6 has been approved by the Gram Sabha and, therefore, authorisation to operate fair price shop has been granted in favour of Respondent No.6-Group.

4 It is contended that both the Groups are women self help groups, however, petitioner-group consists of women belonging to Scheduled Caste category.

5 However, since proposal of Respondent No.6-Group has been preferred by the Gram Sabha, we do not find any irregularity on the part of Respondents in following the procedure prescribed under the relevant Government Resolution. Petition is devoid of merit.

6 Writ Petition stands dismissed.

P.R.BORA
JUDGE

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R.M.BORDE
JUDGE