

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Writ Petition No. 19/2015

(Smt. Chhaya Shyamnath Kumbhare .vs. State of Maharashtra and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders.

Mrs.P.S. Chaudhari, Advocate for Petitioner.
Mr. A.M. Deshpande, AGP for Respondent no.1.
Mr. J. Mokadam, Advocate for Respondents 2 & 3.
Mr. A.S. Kilor, Advocate for Intervenor/Applicants.

CORAM : B.R. Gavai &
Mrs. Mridula Bhatkar, JJ.
DATED : February 24, 2015.

Civil Application No.331/2015.

Since the applicants are the members of the Public Works Committee who are party to the resolution passed the majority, the intervention is allowed. The applicants are permitted to intervene.

Writ Petition No. 19/2015.

Heard.

The petition challenges the resolution as adopted by the Public Works Committee of the Zilla Parishad, Gadchiroli.

Mrs. Chaudhari, learned counsel appearing on behalf of the petitioner states that when the earlier resolution of distributing work which was challenged before this Court was found to be sustainable, it was not permissible for the Public Works Committee of the Zilla Parishad to again change the distribution of the work. She, therefore, submits that the impugned resolution is

not sustainable.

Mr. Mokadam, learned counsel appearing on behalf of the Zilla Parishad submits that the resolution which was subject matter of the challenge before this Court in earlier writ petition i.e. Writ Petition No. 4400/2014 pertained to the earlier financial year whereas the present resolution pertains to the present financial year.

In any case in a democratic set up when the representatives of the public take a particular decision by a majority, it would not be appropriate for this Court to interfere with their discretion regarding the allotment of particular work in a particular area unless it is found that the exercise is done with a mala fide manner. We do not find that any person against whom the allegations are made, is joined as party respondent apart from making any allegations in that regard against the said person.

In that view of the matter, there is no merit in the writ petition. The same is rejected.

JUDGE

JUDGE