

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 906/2014

(SANJEEVANI WOMEN'S ACADEMIC AND MULTI-PURPOSE INSTITUTE, BHANDARA **VERSUS**
STATE OF MAHARASHTRA & OTHERS)

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

Court's or Judge's orders

Shri M.V. Samarth, counsel for the petitioner.
Mrs. B.H. Dangre, G.P. for the R-1 to 5.
None for the respondent no.6.

CORAM : SMT. VASANTI A. NAIK AND
PRASANNA B. VARALE, JJ.

DATE : JUNE 18, 2015.

By this petition, the petitioner-Society has challenged the selection of the respondent no.6-Society for allotment of Counselling Centre at Police Station Lakhandur. The petitioner has sought a declaration that the petitioner-Society is eligible for preference as against the respondent no.6-Society. The petitioner also seeks a direction to the respondent nos.1 to 5 to select the petitioner for grant of Counselling Centre at Police Station Lakhandur.

With a view to ensure the establishment of a Counselling Centre in Police Station Lakhandur for the benefit of the women and children, the State Government issued an advertisement on 17.08.2012 inviting applications for allotment of Counselling Centre to the Non-Government Organizations working in the said field. The petitioner-Society applied for the Counselling Centre at Police Station Lakhandur along with the respondent no.6-Society and few others. As per the advertisement, an all women society was entitled to preference for allotment, so also, a society that was situated in the same district was also entitled to preference. The petitioner's candidature was rejected while the

State Government accepted the candidature of the respondent no.6 and selected the respondent no.6 for the allotment.

Shri Samarth, the learned counsel for the petitioner, submitted by placing reliance on the comparative chart in respect of all the societies that had applied for allotment, that the petitioner was not found ineligible and despite the fact that the petitioner complied with all the conditions, the candidature of the petitioner was rejected. It is submitted that the petitioner-Society ought to have been granted preference as the petitioner-Society is an all women society situated in the same district in which the Counselling Centre is to be established. It is submitted that though the respondent no.6-Society was not a local society and was functioning in Chandrapur district, the respondent-Authorities rejected the candidature of the petitioner-Society and illegally selected the respondent no.6 for allotment of the Counselling Centre. It is submitted that there is no mention in the comparative chart that the petitioner-Society does not fulfill some of the conditions of eligibility. It is submitted that the respondent-Authorities have applied a pick and choose method and have illegally selected the respondent no.6-Society, though it is clearly stated in the advertisement that preference was required to be given to the all women organization working in the same district. It is stated that in all other districts, the authorities had recommended the names of three societies, for selecting one for them for allotment of Counselling Centre, however, in respect of Lakhandur, this was not done.

Mrs. Dangre, the learned Government Pleader appearing on behalf of the respondent nos.1 to 5, supported the action of the respondent-Authorities and submitted that the petitioner was ineligible for allotment of the Counselling Centre. It is stated that some of the office bearers of the petitioner-Society and Suvarnakanchan Education Society are the same and the employees of the petitioner-Society are also shown to be the

employees of Suvarnakanchan Education Society. It is stated that the petitioner was ineligible for allotment and, hence, there was no question of granting preference to the petitioner. It is submitted that though the respondent no.6 was selected, in view of the interim order passed by this Court, the Counselling Centre has not yet started at Lakhandur. It is stated that the respondent no.6 is not allotted the Counselling Centre despite selection.

On hearing the learned counsel for the parties and on a perusal of the comparative chart annexed to the petition, it appears that there is no transparency in the process of selection for allotment of a Counselling Centre. According to the authorities, as could be seen from the comparative chart, some of the societies have not fulfilled the eligibility criteria. However, it is not mentioned in the comparative chart as to which condition is not fulfilled by each of the societies which are held ineligible on the ground that the conditions are not fulfilled. Merely mentioning in the comparative chart that the conditions were not fulfilled was not enough and it was necessary for the authorities to clearly mention, which of the eligibility conditions were not fulfilled by the societies, that were found to be ineligible. It is conspicuous to note that there is no mention in the comparative chart that the petitioner-Society does not fulfill the eligibility conditions. In respect of most of the other societies, such a remark is made. In the absence of any such remark in the case of the petitioner-Society, the respondent-Authorities could not have rejected the candidature of the petitioner. The respondent-Authorities cannot supplement or add something to the chart, that is not in the same. We find that the selection process is vitiated in view of the irregularities. In the absence of any mention in regard to the specific conditions that were not fulfilled by the societies that are found ineligible, we find that there is no transparency in the selection process. Also, it does not appear from the comparative chart that the petitioner was ineligible and was not entitled for allotment. We do not find that

proper procedure was followed by the respondent-Authorities while selecting a competent and eligible Non-Government Organization or society for allotment of the Counselling Centre. Since the selection process is vitiated in the absence of transparency, the selection of the respondent no.6 is liable to be set aside.

Hence, for the reasons aforesaid, the writ petition is partly allowed. The impugned order selecting the respondent no.6 for allotment of the Counselling Centre at Police Station Lakhandur is quashed and set aside. The respondent-Authorities are directed to start a fresh selection process from the stage of issuance of the advertisement for establishing a Counselling Centre at Police Station Lakhandur. Since the establishment of a Counselling Centre in Lakhandur is necessary, the respondent-Authorities should ensure that the advertisement is issued within a period of six weeks.

Order accordingly. No costs.

JUDGE

JUDGE

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