

UNREPORTED**IN THE HIGH COURT OF JUDICATURE AT****BOMBAY****BENCH AT AURANGABAD.****WRIT PETITION NO.2839 OF 2014.**

Jijamata Mahila Mandal, Nimdale
Tq. and District Dhule,
through its President,
Sau.Shobha Hari Jadhav,
Age years, Occ.Social Service,
R/o Nimdale, Tq.and Dist.
Dhule. ... Petitioner.

Versus

1. The State of Maharashtra,
through its Secretary,
Women and Children Development
Department, Mantralaya,
Mumbai-32.

2. The Commissioner,
Women and Children Development,
Pune.

3. The District Women and Children
Development Officer, Dhule.
District Dhule.

4. The District Committee for
Scrutiny, For the proposals of
Counseling Center for Women and
Children, through its President
Police Superintendent, Dhule.

5. Omsai Shaikshanik va Samajik
Sanstha, New Plot, Near Bhagini
Mandal School, Amalner, Dist.
Jalgaon, through its President.

6. Gaitri Social and Welfare
Sanstha, Nariman Parshi Chawl,
Railway Station Road, Dhule,
District Dhule, through its
President.

7. Nalanda Balvikas Magasvargiya
Mahila Mandal, At Shevali,
Post Sakri, Tq. Sakri, Dist.
Dhule, through its President. ... Respondents.

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Mr.Y.B.Bolkar, advocate for the petitioner.
Mrs.M.A.Deshpande, A.G.P. for the State.
Mr.K.C.Sant, advocate for Respondent No.5.

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**CORAM : S.V.GANGAPURWALA AND
K.K.SONAWANE, JJ.**

Date : 13.04.2016.

ORAL JUDGMENT (Per S.V.Gangapurwala, J.)

1. Heard.

2. Rule. Rule returnable forthwith. With
the consent of the parties, petition is taken up
for final hearing.

3. Mr.Bolkar, learned counsel for the
petitioner submits that the impugned Government
Resolution dated 4.1.2014, is against the terms
of the advertisement itself. The learned counsel

submits that the Respondent No.3 published an advertisement on 19.7.2011, inviting applications from various social institutions to establish counseling centers (Special Cell) for Women and Children at Dhule city Police Station as well as Shirpur and Sakri Taluka Police Stations. The petitioner submitted the proposal in the prescribed format along with detail information for Dhule city Police Station, Shirpur and Sakri Talukas. The proposals were placed before the Committee. The petitioner institution is at serial No.1 in merit for Sakri Taluka and at serial No.2 for Dhule. The learned counsel submits that pursuant thereto, the further process was not conducted and on 18.8.2012, again fresh advertisement was published by the Women and Child Development Department. In the said advertisement it was specifically stated that the proposals should be submitted afresh pursuant to the said advertisement. The petitioner again submitted fresh proposal on 31.8.2012 for Women Counseling Centers at Dhule, Shirpur and Sakri, along with all the relevant documents. The said proposal was scrutinised. The petitioner

institution was shown at serial No.1 in the merit list for Shirpur Taluka.

4. The State Government issued Resolution dated 4.1.2014, for Shirpur, it was allotted to the present Respondent No.5. According to the learned counsel, Respondent No.5 had not filled in any proposal, pursuant to the advertisement of the year 2012, still, the said center is allotted to the Respondent No.5.

5. Mr.Sant, learned counsel for Respondent No.5 submits that the Government has taken a decision. Earlier the petitioner had submitted proposal, pursuant to the advertisement of the year 2011 and the petitioner was selected therein. No error has been committed in that regard.

6. We have also heard learned A.G.P.

7. The terms and conditions of the advertisement of the year 2012, which are issued for Women Counseling Center for Dhule District

are clear. It states that fresh proposals are to be submitted pursuant to the said advertisement. It is not disputed that the Respondent No.5 had not submitted any proposal for Shirpur, pursuant to the advertisement of the year 2012. Even pursuant to the advertisement of the year 2011, Respondent No.5 had submitted proposal for Women Counseling Center at Amalner and Shirpur and Respondent No.5 was at serial No.1 for Amalner.

8. On perusal of the conditions of the advertisement of the year 2012, there is no manner of doubt that the parties were required to submit the fresh proposal and only fresh proposal could have been considered. The said advertisement does not even remotely suggest of any earlier proposal to be considered. Even fresh ranking in the order of merit was given, pursuant to the advertisement of the year 2012.

9. In view of the aforesaid conspectus of the matter, the Resolution dated 4.1.2014 to the extent of Shirpur certainly would be erroneous and deserves to be set aside.

10. In the result, the Government Resolution dated 4.1.2014, issued by the Deputy Secretary, Women and Child Development Department to the extent it concerns allotment of Women Counseling Center for Shirpur in favour of Respondent No.5 is to that extent quashed and set aside. This Court vide order dated 28.3.2014 had granted interim relief in terms of prayer clause (D) so far it relates to allotment of Counseling Center at Shirpur Taluka.

11. If there is no other impediment, the Respondents shall consider the allotment of the said Women Counseling Center at Shirpur to the petitioner as it is found that the petitioner is ranked 1st in the order of merit.

12. Rule accordingly made absolute in above terms. No costs.

Sd/-
(K.K.SONAWANE, J.)

Sd/-
(S.V.GANGAPURWALA, J.)

