

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.1095 OF 2016

M/s. Mauli Productions and Others. .. Petitioners
Vs
State of Maharashtra and Others. .. Respondents
—
Shri Anantkumar L. Gore for the Petitioners.
Shri Mohit Jadhav, AGP for the Respondent Nos.1 and 2.
—

CORAM : A.S. OKA &
SMT. ANUJA PRABHUDESSAI, JJ

DATED : 18TH NOVEMBER 2016

P.C.

1. The State Government published a notice (Exhibit-A to the Petition) inviting applications for participation in Marathi Drama Competition. The said notice incorporates the Rules regarding eligibility criteria for participation in the competition. The eligibility criteria is prescribed under the Government Resolution dated 13th January 2015.

2. The challenge in this Petition is to the eligibility criteria provided in the Government Resolution dated 13th January 2015. The first grievance regarding the eligibility criteria fixed by the Government Resolution dated 13th January 2015 is that no opportunity of being

heard was granted to the Petitioners or to the Association of the Producers of Marathi Dramas before fixing the criteria. The contention is that under the earlier Government Resolution, the qualification criteria was different. Secondly, the submission is that the eligibility criteria prescribed by Clause 5 which provides that there should be atleast 15 shows held of the concerned drama is completely illegal.

3. We may note here that an affidavit filed by Shri Ajay Ambekar, Directorate of Cultural Affairs, on behalf of the State Government discloses that by a Communication dated 23rd April 2015, the competition has been cancelled as sufficient number of entries were not received.

4. As far as the challenge to the Government Resolution is concerned, there is no question of giving an opportunity of being heard to the Producers or their Association while issuing such Government Resolution. Issuing the said Government Resolution is purely an administrative function. Moreover, the Government Resolution pertains to fixing a criteria for participation in the drama competition to be held by the State Government. Neither the Petitioners nor their Association can compel the State Government to fix the eligibility criteria as per their choice.

5. As far as the arguments based on merits of the eligibility criteria are concerned, it is purely a policy decision of the State Government and no interference can be made in writ jurisdiction under Article 226 of the Constitution of India. Accordingly, we reject the Petition.

(SMT. ANUJA PRABHUDESSAI, J)

(A.S. OKA, J)