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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

PUBLIC INTEREST LITIGATION NO.140 OF 2018

Rajesh s/o Motheba Mhaske,
Age: 36 years, Occu: Agri. & Social Worker,
R/o: Bellara, Post Janefal (Pandit),
Tq. Jafrabad, Dist. Jalna

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through it's Chief Secretary,
Mantralaya, Mumbai 32
2. The Principal Secretary,
Village Development &
Panchayat Raj Department,
Mantralaya, Mumbai 32
3. The Principal Secretary,
Finance Department,
Mantralaya, Mumbai 32
4. The Secretary,
Public Works Department,
Mantralaya, Mumbai
5. The Superintending Engineer,
Public Works Circle, Aurangabad
6. The Executive Engineer,
Public Works Department,
Jalna

..RESPONDENTS

Mr S. T. Veer, Advocate for petitioner;
Mrs A. V. Gondhalekar, A.G.P. for respondents

**CORAM : PRASANNA B. VARALE
AND
SUNIL K. KOTWAL, JJ.**

DATE : 29th October, 2018

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ORAL ORDER:

Heard learned Counsel appearing on behalf of the petitioner.

2. This petition is styled as public interest litigation. The petitioner claims to be a social worker and is espousing the cause of public. The grievance raised in the petition is about the e-tender notice issued by respondent No.6. The said notice is placed on record at Exh.'F'. Learned Counsel for the petitioner submitted before us that there is Government Resolution dated 27th September, 2018, the copy of which is placed on record at Exh.'E'. He then invited our attention to the list of works, which is a part of Exh.'A'. Exh.'A' is the Government Resolution dated 31st March, 2018. This Resolution deals with allotment of the amount for providing basic amenities or providing certain infrastructural facilities at village level. This Resolution states that under this scheme, the State Government is providing a large some amount and insofar as Jalna district is concerned, the list of such works is annexed to the Resolution.

3. Perusal of the said Resolution shows that these are the various works of constructions, such as, construction of community hall, construction of internal roads, construction of shade or cover to the last rituals place, etc. Then there are also certain works of providing paver blocks including beautification and construction of wall around school building. These are as many as 247 works in entire Jalna district. The approximate cost for all these works is 1375.00 Lakhs.

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4. Learned Counsel appearing on behalf of the petitioner vehemently submitted that the e-tender notice issued and placed on record collectively for all these works is in violation of the Government Resolution dated 27th September, 2018. Perusal of the Resolution dated 27th September, 2018 shows that it is the aim and object of extending the limit for the works to be allotted to the labour co-operative societies. Further it shows that earlier limit was of Rs.50,000/- and the State Government was under consideration of extending this limit to the tune of Rs.3,00,000/-. Then by referring to the certain modalities and nature of work, the State Government is extending the limit with further prescription of the conditions. Now, placing a heavy reliance on the Government Resolution dated 27th September, 2018, the submission of learned Counsel for the petitioner is the e-tender notice issued is flouting the conditions of said Resolution.

5. On perusal of aforesaid Resolution, we are unable to accept the submission of learned Counsel for the petitioner. The aim and the object of this Resolution is to extend the limit for the works to be provided to the labour co-operative societies. If the State Government has framed a policy to allot the funds for providing better facilities and amenities at village level and to achieve that object, the State Government has specified the works, estimated provisions of the expenditure to these works is also referred to and if the State Government in its wisdom thinks it fit to float the tender

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giving a comprehensive works order and if this e-tender notice nowhere contravening the object of the Government Resolution dated 27th September, 2018, merely on assumption and presumption of a private party, the challenge raised to the tender notice, in our opinion, is clearly unsustainable. Furthermore, if the panchayats are aggrieved of such allotment of works, then they could have approached this Court raising this grievance. Nothing is placed on record to submit that the petitioner is one of any such panchayats members or occupying any position in any panchayat of Jalna district.

6. Considering all aforesaid aspects, we are of the clear opinion that present public interest litigation is filed on an erroneous assumption and presumption. Thus, the litigation being devoid of any merit deserves to be dismissed at the threshold and is accordingly dismissed.

(SUNIL K. KOTWAL, J.)

(PRASANNA B. VARALE, J.)

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