

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

**WRIT PETITION NO. 12288 OF 2016
WITH
CIVIL APPLICATION NO. 2434 OF 2017**

Maharashtra Suraksha Rakshak Aghadi **... Petitioner**

V/s.

Maharashtra Film, Stage and
Culture Development Corporation Ltd.
& Ors. **... Respondents**

Ms. Ranjana Todankar for the Petitioner.
Mr. Meelan Topkar for the Respondent No.2.
Mr. V.M. Emul I/b Mr. G. H. Mohanty for the Respondent No.3.
Mr. N.R. Buban for the Respondent No. 1 and for the Applicant in
CAW/2434/17.

**CORAM : A. S. OKA, &
N.J.JAMADAR, JJ.
DATE : 21st NOVEMBER, 2018**

P.C.:

1. Heard the learned Counsel appearing for the Petitioner.
2. The only substantive prayer in this petition under Article 226 of the Constitution of India is prayer clause (a), which reads thus:

“a) This Hon'ble Court may be pleased to issue an appropriate writ, order or direction for quashing and setting aside the communication dated 01.10.2016 of the Respondent No.1 (Exhibit 'B') and directing the Respondent No.1 to continue the services of the security guards whose names are listed at Exhibit-'A';”

3. The stand of the first Respondent which is the Government of

Maharashtra Company constituted under the Companies Act, 1956 is that the said company has decided to appoint security personnel provided by the Maharashtra Security Corporation (the second Respondent) established under the Maharashtra State Security Corporation Act, 2010 as the said security guards/security personnel have police powers.

4. The learned Counsel appearing for the Petitioner is unable to point out any statutory provision under which the first Respondent is under an obligations to always employ the security guards through second Respondent. The learned Counsel appearing for the second Respondent states that there is material on record to show that the first Respondent has engaged private security guards.
5. We find no error in the stand taken by the first Respondent that instead of engaging security guards through the second Respondent, the first Respondent wants to engage security guards/security personnel provided by the third Respondent.
6. Therefore, prayer (a) cannot be granted. If according to the case of the second Respondent, the first Respondent continues to appoint private security guards, it is always open for the second Respondent to initiate appropriate action in accordance with law

against the first Respondent. Subject to what is observed above, we decline to entertain the present petition and the same is disposed of.

7. Pending Civil Application does not survive and same is disposed of.

(N.J.JAMADAR, J.)

(A.S.OKA, J.)