

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

WRIT PETITION NO.2608 OF 2019

**SHAIKH JAWED HAMEED SAAB
VERSUS
THE STATE OF MAHARASHTRA**

Mr.B.B. Dahiphale, Advocate for the petitioner.
Mr.A.R. Kale, AGP for respondent/State.

**CORAM : PRASANNA B.VARALE &
S.M.GAVHANE, JJ.**

DATED : 22.02.2019

P.C. :-

1. Heard learned Counsel for the petitioner. The submission of learned Counsel for the petitioner is that a representation is made to respondent No.1 on 15.10.2018 and the same is pending before respondent No.1 without any decision on the representation. The material placed on record shows that the State Government by way of Government Resolution dated 30.12.2017 floated a scheme of incentive in the nature of prize money for participation in countrywide survey, namely, Swachha Sarvekshan and selected best cities for the prize money under the scheme. A document in tabular form is placed on record along with petition at Exh."B" to show that the cities were classified under various heads. The exercise of allotment of marks was undertaken. The representation is submitted by the petitioner who claims to be acting

president of the Municipal Council, Ausa and it is submitted in the representation that Ausa Municipal Council, Dist. Latur is situated at Sr. No.8 at district level, at Sr.No.6 at State level, at Sr. No.1 at region level and at Sr. No.6 in division level. It is submitted in the representation that in view of this gradation of the Municipal Council, Ausa, the Municipal Council is entitled for prize money to the tune of Rs.10 lakhs and a request is made to respondent/sole to allot prize money to the Municipal Council, Ausa.

2. As the only grievance of the petitioner is that the application/representation is pending before the authority, we dispose of the petition with directions to respondent/sole to decide the representation dated 15.10.2018 expeditiously and not later than twelve weeks from the date of order this Court, needless to state, on the merits of the representation. We make it clear that this Court has not expressed any opinion about merits of the representation and this Court is conscious of the fact that the scheme floated for providing prize money is by way of incentive and it is with an object to create awareness amongst the citizens and the cities about cleanliness, hygienic conditions in the area, town or city. We are also conscious of the fact that such incentive cannot be treated as of right to be claimed by

any of the Municipal Council and by no stretch of imagination, the Council can submit that this is a right created in favour of any Council.

3. With the above observations and directions, the writ petition is disposed of.

[S.M.GAVHANE, J.]

[PRASANNA B.VARALE, J.]