

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

4 PUBLIC INTEREST LITIGATION NO.75 OF 2013

PRAKASH MANAJI CHAVAN

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Shri Sawant Amol S.

AGP for Respondent nos.1 & 2: Shri S.B. Yawalkar

**CORAM: PRADEEP NANDRAJOG, CJ &
R.G. AVACHAT, J.**

DATE: 23.09.2019

PER COURT :

- 1] Heard learned counsel for the parties.
- 2] The fulcrum of the public interest litigation is a Government resolution dated 16.11.2006 stipulating that for civil works of value less than Rs.5,00,000/-, tenders need not be floated. The works could be allotted at the rate fixed by the Public Works Department to Labour Societies, Educated Unemployed Engineers and Registered Contractors in the ratio 32 : 33 : 34. It is pleaded in the petition that the said ratio was not being maintained and no work was allotted to registered Government contractors. There is also a general averment that works were allotted only to certain labour societies and educated unemployed engineers.
- 3] Pertaining to no work being allotted to registered contractors,

petitioner would have no *locus standi* to maintain a public interest litigation for the reason registered Government contractors have the means to directly approach the Court if no work is being allotted to the registered Government contractors.

4] As regards the grievance that work is being allotted to a chosen few labour societies, in the absence of any material particulars disclosed in the petition, it would not be possible to issue any specific direction. However, only a declaratory relief could be granted. The declaratory relief being that for allotment of work to the registered societies of unemployed youth and to the unemployed engineers, a criterion should be evolved by the State so that all participate in the State largesse.

5] At this stage learned AGP for the respondent – State states that in the year 2015, a new policy has been promulgated having provisions of e-tendering for works above rupees three lakhs. Thus, in that view of the matter, no policy needs to be framed.

6] We terminate the proceedings. Petition is dismissed. No costs.