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

PUBLIC INTEREST LITIGATION NO.76 OF 2019

Nadeem Shaikh Kareem ... PETITIONER

VERSUS

The State of Maharashtra & others ... RESPONDENTS

.....
Mrs. Sabahat T. Kazi, Advocate for petitioner
Mr. S.D. Ghayal, A.G.P. for respondents
.....

CORAM: PRASANNA B. VARALE AND
 R.G. AVACHAT, JJ.

DATED : 3rd JULY, 2019.

ORAL ORDER :

Heard learned counsel for the petitioner. Though the petitioner claims that by way of the present Public Interest Litigation, cause of public is espoused, on perusal of the documents placed on record, we are of the clear opinion that the petition proceeds on only assumptions and presumptions and an erroneous impression being carried out by the petitioner. The petitioner raises a challenge to two works, and the submission is, without following the procedure, works are allotted. The documents placed on record show that a representation is

submitted to the Divisional Commissioner, Aurangabad on 17.6.2019, requesting the Divisional Commissioner to initiate action against the officers of the Public Works Department such as Chief Engineer, Superintending Engineer and Executive Engineer including a criminal action.

2. Perusal of the documents placed on record clearly shows that there is a reference to a scheduled time table such as, calling upon the interested persons to submit their tenders. The respective dates are referred to for submitting the technical envelope and commercial envelopes. Insofar as the copy of the tender notice placed on record is concerned, it clearly shows that, considering the nature of work and the estimation of the cost, it was open only for the Unemployed Engineers Co-operative Society. Thus, there is nothing on record to show that the process lacks of fair play or there was a scope for arbitrariness in the process. The copy of the representation is also placed on record.

3. A bald statement is made in the representation that the work is allotted to a Society whose President is not even a Civil Engineer. There is nothing either placed on record with the petition or along with the representation to support such a bald statement. Thus, the possibility cannot be ruled out that this bald statement is made only to impress upon the authority that some mischief is played in the matter when actually there was

absolutely no material nor a source of information being disclosed in the representation.

4. Considering all these aspects, we are of a clear opinion that this is not a fit Public Interest Litigation to show indulgence by us. The Public Interest Litigation, as such, is dismissed at the threshold.

(R.G. AVACHAT)
JUDGE

(PRASANNA B. VARALE)
JUDGE

fmp/-