

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

WRIT PETITION NO.137 OF 2019

**PUSHPABAI MAHADU MAHAKAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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

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

DATED : 11.01.2019

P.C. :-

. Heard learned counsel for the petitioner.

2. Though the petitioner by way of present writ petition prayed this Court under prayer clause (C) on the backdrop of the submissions of the learned counsel for the petitioner and in view of the documents placed on record, we are of the opinion that the prayer clause (C) is on an erroneous impression of the petitioner and the grievance of the petitioner can be addressed to and redressed by modifying the prayer of the petitioner whereby the petitioner would seek directions to the authority to decide the representation/s submitted to them.

3. Few facts which would be necessary for disposal of the petition at the admission stage are summarized in brief.

4. The State Government with laudable object and on the backdrop of scheme known as "Mahatma Gandhi Rashtriya Rojgar Hami Yojna" resolved to provide certain benefits to these beneficiaries in the form of erection of well. Thereafter certain conditions, it may not be necessary for us to refer other details of Government Resolution dated 17.12.2012. The copy of the same is placed on record alongwith the petition. Under the scheme certain beneficiaries were selected and the petitioner was one of such beneficiaries. At Exh.B the Administrative approval/order dated 27.03.2015 is placed on record. Alongwith administrative approval list of the beneficiaries is supplied by way of tabular form. The name of the petitioner finds place in the list at Sr. No.1.

5. It is the submission of the learned counsel for the petitioner that except two beneficiaries out of these 10 beneficiaries the necessary formalities

are complied with for grant of benefits including the work order being issued in favour of 8 beneficiaries. Learned counsel then invited our attention to the representation submitted to the Block Development Officer requesting the authority to take necessary steps for issuance of work order. Learned counsel for the petitioner was justified in submitting before this Court that inordinate delay in issuance of work order would lead to frustrating the object of the scheme in general and putting the petitioner to a prejudice in particular. Learned counsel for the petitioner then invited our attention to the representation dated 19.09.2018, 28.09.2018 there is also copy of communication placed on record dated 22.10.2018. Perusal of the communication shows that the Deputy Collector, Aurangabad on receiving the representation/s from the petitioner informed the Deputy Chief Executive Officer and the Program Coordinator, Aurangabad to take necessary steps in the matter and submit a report in turn to the office of the Collector. There is also copy of representation submitted to the Divisional Commissioner dated 19.09.2018 placed on record.

6. Considering this fact situation, we are of the opinion that the petition can safely be disposed of by issuing directions to respondent No.5 the Block Development Officer and Junior Group Program Officer Panchayat Samiti, Sillod, Tq. Sillod to take immediate steps in response to representation submitted by the petitioner and not later than six weeks from the date of this order of this Court. At the same we also issue directions to respondent No.4 the Chief Executive Officer, Zilla Parishad to issue appropriate instructions to his subordinate officer namely respondent No.5 to see that the order of this Court is complied with within stipulated period and submit a report in turn to respondent No.4.

7. With these directions the petition is disposed of.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]