

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

WRIT PETITION (ST) NO. 15017 OF 2019

1 Ranjana Mahlia Audyogik Utpadak
Sahakari Sanstha Ltd. & Anr. ... Petitioners
Vs
1 Thane Municipal Corporation & Ors. ... Respondents

Ms. Romita Bhattacharya i/b Bhavna Mhatre for the Petitioners.

Mr. S.R. Nargolkar, senior special counsel with Ms. Ashwini A. Purav, for the Respondent No.2-State

Mr. Pramod Patil, Under Secretary, School Education Department and Mr. Mohan Mule, Superintendent MDM Cell, Pune, present.

***CORAM : S.C. DHARMADHIKARI &
G.S. PATEL , JJ.***

TUESDAY, 18TH JUNE, 2019

P.C. :

1 The affidavit filed by the State is taken on record.

2 In this petition, the petitioners, who claim to be Self-Help Groups (Mahila Bachat Gats) have challenged the conditions prescribed by the State in a notice inviting bids / advertisements, particularly a communication of 15th March, 1999, and the model

Expression of Interest issued by respondent No.2.

3 Pertinently, the petitioners' desire to place their bid or offer. They wish to express their interest, but according to them, they were prevented from so expressing it on account of an alleged onerous, excessive and arbitrary condition imposed which could never have been fulfilled by any Bachat Gat / Self-Help Group.

4 On a reading of the petition and hearing the counsel, we are disinclined to accept this argument and particularly when the State controverts it by filing an affidavit and assertively states that thirty three women Self-Help Groups were able to compete or place their bids or interest in this very Municipal area from where the petitioners operate and function. Once we expressed our reluctance, the counsel, on instructions, seeks leave to withdraw this writ petition.

5 She says that there are larger issues and particularly on the quality of food and the standard in relation thereto to be fulfilled, and that would be required to protect the larger

interest, namely, the health of the children. The counsel submits that this issue be kept open for being agitated in a public interest litigation at the instance of a *bona fide* citizen.

6 In the absence of any pleadings and particularly with regard to the larger issue projected before us, we do not think that the same stands concluded by this order. Secondly, this petition could not have been prosecuted in public interest as it essentially projects a self-interest or commercial motive of an entity which had intended to place its bid. Thus, this is not a petition in public interest. Hence, these very petitioners having taken their chances, cannot now present a public interest litigation. It would be for some other public spirited citizen to project it.

7 With this clarification, this writ petition is dismissed as withdrawn.

G.S. PATEL, J.

S.C. DHARMADHIKARI, J.