

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

35 WRIT PETITION NO.552 OF 2022

NARENDRA SHRIRAM DEORE
AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS

...

Advocate for Petitioners : Mr A.S. Sawant
Addl. G.P.for Respondent /State: Mr P.S. Patil
Advocate for Respondent No. 5 : Mr Rahul Pawar

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, J.J.**

DATE : 17th JANUARY, 2022

PER COURT :

1. Mr Sawant, the learned counsel for the petitioners submits that the petitioner No.1 is a registered contractor and the petitioner No.2 is a social worker.
2. The administrative sanction has been granted to different works. In fact, for one work, different administrative sanction have been granted in piece meal. The work has to be done for repairing of the Ashram School and the work has been split up in the manner that it should not go above Rs.3.00 lakhs and that respondent should not have to resort to e-tendering process.
3. The learned counsel further submits that the work has to be done by the Tribal Development Department. However, here, the work has

been directed to be undertaken by the Zilla Parishad. The same is also not permissible. The Five Member Committee was appointed. They submitted the report. In the said report, Five Member Committee has specifically observed that Mr Halpe is guilty of several irregularities and the Government Resolution dated 14.07.2016 is not followed. Pursuant to the said report, Mr Halpe is placed under suspension. The stay was granted to the administrative sanction and now, under the impugned communication, the stay has been vacated by the Tribal Development Department. According to the learned counsel, considering the large scale irregularities, the stay was granted to the administrative sanction. There was no reason now to revoke the order of stay.

4. The learned AGP and Mr Pawar, learned counsel for respondent No. 5 submit that the petitioner would not be prejudiced. The administrative sanction itself states that the e-tendering process shall have to be resorted to and the e-tendering process is resorted to.

5. The petitioner No. 1 is a registered contractor. We specifically asked Mr Sawant, the learned counsel that if the Zilla Parishad issues the e-tender, whether petitioner No.1 would be competent to participate in the e-tendering process. The learned counsel for the petitioners answers in the affirmative.

6. Whether the e-tendering process is resorted to by the Tribal Development Department or the Zilla Parishad would not make difference to the petitioner. The Tribal Development Department does not raise any objection. The petitioner No.1 is competent to participate in the e-

tendering process as accepted by the learned counsel for the petitioner.

7. In the aforesaid scenario, it may not be appropriate for the petitioner to assail the administrative sanction granted.

8. In light of that, the writ petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S.V. GANGAPURWALA, J.]

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