

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

25 WRIT PETITION NO.4063 OF 2022

**NEXUS LEARNING PRIVATE LTD. THR EXECUTIVE DIRECTOR MATEEN
MANSOOR JAHAGIRDAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr.V.S. Bedre, Advocate for the petitioner.
Mr.S.G. Karlekar, AGP for the respondent/State.

**CORAM : RAVINDRA V. GHUGE &
ANIL L. PANSARE, JJ.
DATED : 27.06.2022**

PC :-

01. We have considered the submissions of the learned Advocate for the petitioner for sometime. He sought a pass over to take instructions in the light of prayer clauses (B) and (C), which read as under :-

“B) By issuing appropriate writ in the nature of direction and order to quash and set-aside the decision and order of the respondent No.2 dated 07.03.2022 disqualifying the petitioner company from Technical Bid Tender ID No.2033_DCWCD_766055_1 & Tender Ref.No.01/2022 for supply of Pre-School Education Kits under ICDS, in the interest of justice.

C) By issuing appropriate writ in the nature of direction and order to direct the respondents to allot 10% work of the total tender value to the petitioner company as a startup unit in participating tender bid process in pursuance of the E-Tender ID No.2022_DCWCD_766055_1 & Tender Ref.No.01/2022 for supply of Pre-School Education Kits under ICDS, in the interest of justice.”

02. The learned Advocate submits, on instructions, that after his work order was cancelled, the work was allotted to some other successful bidder and he has almost completed the project work. Though the petitioner is willing to seek damages in the light of the law laid down by the Hon'ble Supreme Court in N.G. Projects Limited V/s. Vinod Kumar Jain & Ors., AIR 2022 SC 1531, he submits that the State Government and its instrumentalities should necessarily implement the Government Resolution dated 01.12.2016, which is meant for encouraging start-ups and new entrepreneurs. His grievance is that, had the respondents applied the Government Resolution properly to his case, he would not have been required to approach this Court. He, therefore, prays that this petition be disposed off.

03. The learned AGP rightly submits that the Government Resolution issued by the Government binds the Government.

04. In view of the above, this petition is disposed off. The petitioner is at liberty to avail of a remedy as may be permissible in law in the light of N.G. Projects (supra).

[ANIL L. PANSARE,J.]

[RAVINDRA V. GHUGE,J.]