

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

906 WRIT PETITION NO.4087 OF 2022

**BHARATBHUSHAN SONAJIRAO KSHIRSAGAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner : Mr. U. R. Awate for Talekar And
Associates

GP for Respondents-State : Mr. D. R. Kale.

Advocate for Respondent No.3 : Mr. N. E. Deshmukh.

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**CORAM : R. D. DHANUKA, AND
S. G. MEHARE, JJ.**

DATE : 12.04.2022

PER COURT :-

1. By this petition filed under Article 226 of the Constitution of India, the petitioner seeks declaration that clause 10(f) of the Government Resolution dated 05.03.2002 as inserted by Government Corrigendum dated 12.08.2015 is ultra-vires Articles 14 and 243W of the Constitution of India. The petitioner has also prayed for quashing and setting aside the impugned decision dated 22.06.2021 appointing Public Works Division, Beed as the implementing agency for executing the works under "Nagari Dalit Wasti Sudhar Yojana 2021-

2022".

2. Learned counsel for the petitioner invited our attention to the judgment delivered by this Court dated 26.11.2021 in the Writ Petition No.6421 of 2021 filed by the petitioner herein as a President of the Municipal Council, Beed and submits that the petitioner had challenged the similar Government Resolution passed by the State of Maharashtra on the similar grounds in the said writ petition also appointing Public Works Department to carry out certain work and not appointing the Municipal Council to carry out such work. He submits that this Court has accepted the submissions made by the petitioner in the said writ petition, however, did not grant any relief in the said writ petition since the tender already open.

3. It is submitted by the learned counsel that the State Government has appointed the Public Works Department as the implementing agency to carry out various works in some of the wards in the Beed district since the Beed district is controlled by the opposite political party.

4. The submissions made by the learned counsel for the petitioner are adopted by the learned counsel for the

respondent No.3.

5. Mr. Kale, learned Government Pleader for respondent Nos.1, 2 and 4 states that all drainage work has been already carried out except in two wards out of 28 wards required to be completed before commencement of the construction of road which would be subject matter of the tender which would be opened tomorrow. He submits that the petitioner had filed similar Writ Petition bearing No.6421 of 2021 on the ground of political rivalry. This Court had not granted any relief in favour of the petitioner in the earlier Writ Petition filed by the petitioner.

6. A perusal of the judgment delivered by this Court dated 26.11.2021 in Writ Petition No.6421 of 2021 states that no relief was granted by this Court in the said Writ Petition. This Court observed that the work under Vaishishthyapurn Yojana and Nagari Dalit Wasti Sudhar Yojana are welfare works for the benefits of the public at large. The technical bids have been already opened. This Court observed that passing orders at this stage would be delaying the public welfare works and that would not be in the interest of the persons residing within the

Municipal limit. They would be deprived of the development works.

7. In the facts of this case also the entire work except in two wards, the drainage work is already completed. The tender would be open tomorrow.

8. We do not propose to interfere with the tender process in this Writ Petition filed by the President of the Municipal Council, Beed on the ground that the State Government has appointed the Public Works Department as the implementing agency because the ruling party in the State and in the Council is controlled by opposite political party. Court cannot interfere with the public project in the petition filed to settle political vendetta.

9. Mr. Kale, the learned Government Pleader rightly pointed out the chart annexed at page No.78 which would indicate that under the said scheme for the year 2021-22, the Public Works Department was appointed in various wards in the Beed District in respect of several projects and also the Council. There is no substance in the allegations of the petitioner on malafides if any against the respondents. The

petition is politically motivated petition and filed because of the political rivalry between the petitioner and ruling party.

10. Writ Petition is thoroughly misconceived and is accordingly dismissed with costs quantified at Rs.50,000/- which shall be paid by the petitioner to Maharashtra Legal Services Authority within a period of two (2) weeks from today.

(S. G. MEHARE, J.)

(R. D. DHANUKA, J.)

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vmk/-