

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8532 OF 2021

Group Gram Panchayat, Mendholi and another. ... Petitioners.

V/s.

The State of Maharashtra and others. ... Respondents.

Mr.Vaibhav Ghogare with Anita Patil i/b. Sandip J. Ghogare
for the Petitioners.

Mr.N.K.Rajpurohit, AGP for the State.

Mrs.Ramesh D. Rane for Respondent Nos.2 and 3.

Mr.M.G.Bagkar for Respondent No.4.

CORAM : **NITIN JAMDAR AND
SHARMILA U. DESHMUKH, JJ.**

DATE : **11 November 2022.**

P.C. :

Heard the learned counsel for the parties.

2. The Petitioner- Village Panchayat has sought to question the criteria of assigning marks as per Appendix A of R.R. (Aba) Patil Sundar Gaon Award Scheme Selection Criteria & Score Evaluation based on the performance of the year 2019-2020. By Government Resolution dated 21 November 2016, the above scheme was introduced by the State of Maharashtra for development of villages as Smart Villages. Certain criteria was laid down for selection of the

said villages. The Petitioner, pursuant to the said GR, applied along with other village panchayats. The Petitioner- Village Panchayat was not selected and a decision was taken to select Respondent Nos.4 and 5- Village Panchayats.

3. According to the Petitioner, even though the Petitioner has scored 97 marks at Taluka level, the Inspection Committee at district level had awarded 86 marks. According to the Petitioner, the criteria applied and the assignment of marks are entirely faulty. Apart from the scope of judicial review in respect of policy of the State Government, the question is whether as on today any effective relief can be granted to the Petitioner. The learned counsel for Respondent- Zilla Parishad has placed on record that the steps have already been taken pursuant to the Scheme and the selection procedure, and the amounts under the scheme have been disbursed to Respondent Nos.4 and 5- Village Panchayats for their utilization and have been so utilized and now it is not possible to allot funds to the Petitioner, even if the Petitioner succeeds.

4. There was no interim order in this petition since December 2021. Funds allotted to Respondent Nos.4 and 5 are public funds to be utilized for the welfare of the Respondent- Village Panchayats, which have been stated to be utilized. Therefore, to pass any order to recall the funds from Respondent Nos.4 and 5 would also cause hardship to the residents of those

villages and is not feasible. We are informed that such selection takes place every year. Therefore, keeping the contentions of the parties open when the next selection under the scheme is undertaken, we dispose of the petition.

(SHARMILA U. DESHMUKH, J.)

(NITIN JAMDAR, J.)