

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 429 OF 2022**

Synergize Solution Private Limited ...Petitioner
Versus
The State of Maharashtra & Anr ...Respondents

Mr Surel Shah, i/b Ashok Gade and Riya John, for the Petitioner.
Mr PG Sawant, AGP, for Respondent No.1/State.

**CORAM G.S. Patel &
 Madhav J. Jamdar, JJ.**
DATED: 8th February 2022

PC:-

1. We are not inclined to interfere in exercise of our writ jurisdiction in this matter. The Petitioner is a supplier of various grades and types of skilled, semiskilled and unskilled manpower services to various Zilla Parishads in Maharashtra.

2. The Petitioner impugns a Circular dated 26th August 2020 issued by the State Government through its Rural Development Department, a copy is at Exhibit "D" at page 33. It also seeks an order of quashing and setting aside a letter of communication dated 29th October 2020, a copy of which is at page 39.

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3. By the Circular in question the State Government told all Government offices, and in particular the Chief Executive Officers of all Zilla Parishads and Collectors of all Districts, that henceforth all outsourced manpower services were to be hired only from a centrally approved company, CSC-E Government Services India Limited. The reason is given in the Circular itself: that this is necessary for uniformity and consistency and because it had been found that there had been many litigations at different levels against various different Government entities when they availed of outsourced manpower provision services.

4. There are several difficulties in the Petitioner's way. The Petitioner is a private limited company and we do not see how in a matter like this any question of invoking Article 16 of the Constitution of India arises. The benefit of Article 16 is available only to a citizen. The same principles as those regarding Article 19 must apply to an invocation of Article 16 as well.¹

5. In any case, a corporate entity can certainly not complain of an infringement of its fundamental right to life and liberty under Article 21 of the Constitution of India.

¹ See, for instance, and in regard to Article 19 being invoked by an artificial entity: *Indian Social Action Forum v Union of India*, 2020 SCC OnLine 310, para 15; *Shree Sidhballi Steels Ltd & Ors v State of Uttar Pradesh & Ors*, (2011) 3 SCC 193, para 25; *Dharam Dutt & Ors & Ors v Union of India and Ors*, (2004) 1 SCC 712, para 36. In these, much of the previous learning on the issue was considered, including *Bennet Coleman & Anr v Union of India*, (1972) 2 SCC 788; *RC Cooper v Union of India*, (1970) 1 SCC 248, and *State Trading Corporation of India Lt v CTO & Ors*, AIR 1963 SC 1811.

6. What this means is that the remaining challenge is only under Article 14 and it therefore must be shown that the action of the Government is so manifestly arbitrary or constitutes such invidious discrimination that it must be struck down. Facially, we are unable to see why this should be so. It is not as if the Government has excluded a particular entity. It has preferred to go with the centrally approved agency, and it has done so for good and stated reason. Reducing the amount of litigation and the resultant time and money lost is certainly a good reason. Consistency in the matter of Government tenders is also a valid reason. Neither of these can be said to infringe any right.

7. Mr Shah submit that even if the Petitioner is empanelled with the centrally approved agency, it will have to compete with hundreds of others with no assurance of getting any tender awarded to it. This submissions needs only to be stated to be rejected.

8. We see no reason to interfere. The Petition is rejected. There will be no order as to costs.

9. All concerned will act on production of a digitally signed copy of this order.

(Madhav J. Jamdar, J)

(G. S. Patel, J)