

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9386 OF 2023

Maharashtra Institute of Hardware &  
Software Technology Pvt. Ltd. & Anr.

...Petitioners

V/S

State of Maharashtra & Anr.

...Respondents

...

Mr. Kirit Hakani a/w Ms. Niyati Mankad for the Petitioners.  
Mr. S.H. Kankal, AGP for Respondent Nos.1 and 2-State.

...

**CORAM: NITIN JAMDAR &  
SANDEEP V. MARNE, JJ.**  
**DATE : 03 AUGUST 2023.**

**P.C.:**

1 The Petitioner No.1 is an agency which provides services for online and offline recruitment. It is before us by way of this Petition challenging the decision taken by the Government Resolution dated 23 June 2022 in respect of empanelment of recruitment agencies. The Respondent-Department of Co-operation, Marketing and Textiles, Mantralaya, Mumbai, through its Commissioner of Co-operation has issued the impugned communication whereby the experience criteria for applying for empanelment has been changed from minimum of five years to minimum of three years.

2 It is not the Petitioner's case that the Petitioner is disqualified from applying and participating in the selection process for empanelment but according to the Petitioner the reduction of criteria from five years to three years would mean that the Petitioner would have more competition.

3 When we are considering the challenge at the behest of the Petitioner, we have to be mindful of the actual prejudice that is caused to the Petitioner before testing validity of the impugned communications and policies of the State. The fact that the Petitioner will have to face more competition in the selection process for empanelment *per se* cannot be considered as any prejudice or violating any vested right. As regards statutory bar for reduction of five years experience to three years is concerned the learned Counsel for the Petitioner has relied upon section 79A of the Maharashtra Co-operative Societies Act, 1960. This section does not structure the rights of the Petitioner with the Co-operative Society who is seeking empanelment, but it empowers the State Government to issue directions in public interest to a Co-operative Society. No Co-operative Society undertaking empanelment process is before us challenging the stipulations. To sustain a challenge, in what manner the change of criteria from five years to three years would be against public interest is not demonstrated before us.

4 Therefore, all that we have is a Petition of a Petitioner who will have a wider field to participate in the empanelment process, who has shown no statutory bar or any vested right. Therefore, at the behest of this Petitioner, we are not inclined to entertain the Writ Petition. The Writ Petition is rejected.

**SANDEEP V. MARNE, J.**

**NITIN JAMDAR, J.**

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