



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1798/2022

Apang Swayam Sahayata Mahila Bachat Gat Ansing, Thr.
Chairperson/Secy., Farjanabi W/O Shaikh Usman

Vs

State Of Maha., Thr. Principal Secy., Anna Nagari Purvatha And
Grahak Saurakshan Vibhag And Others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S.B. Bangde, counsel for petitioner.

Ms. Kalyani Deshpande, AGP for respondent Nos. 1 and 2.

Mr. R.M. Karode, counsel respondent No.3.

CORAM: AVINASH G. GHAROTE &
URMILA JOSHI-PHALKE, JJ

DATED : 01/09/2023.

1. Heard Mr. S.B. Bangde, learned counsel for the petitioner, Ms. Kalyani Deshpande, learned AGP for the respondent Nos.1 and 2 and Mr. R.D. Karode, learned counsel for Respondent No.3.

2. The petitioner is aggrieved by refusal to issue a letter of allotment of *Shiv Bhojan Thali Kendra* to the petitioner. It is contended, that though the name of the Respondent No.3 did not figure in the list of recommendations dated 7/6/2021 (Page-12), still the respondent No.3 has been allotted the *Shiv Bhojan Thali Kendra*, which according to him is not permissible.

3. The contentions are opposed by learned AGP as well as Mr. R.D. Karode by contending that mere

recommendation does not create any right in favour of the petitioner. Apart from which, it is also contended, that the name of Respondent No.3 already stood recommended earlier in point of time, and in fact she was allotted the *Shiv Bhojan Thali Kendra* and therefore, there cannot be any right existing with the petitioner, to claim entitlement to an allotment.

4. The scheme in question dated 26.11.2020 (Page-14) indicates allotment of *Shiv Bhojan Thali Kendra* to the eligible entities. There is no preference given to anyone whatsoever; the power to recommend is with the District Supply Officer. The record would demonstrate, that the recommendation of the respondent No.3 was made by the Tahsildar to the District Supply Officer, vide communication dated 20/04/2021 (Page-24), in which the name of the petitioner is at Serial No. 25 and the name of the Respondent No.3 is above him at Sr. No.24.

5. A perusal of this recommendation indicates, that the respondent no.3 has better experience of 7 years. The record also indicates, that the respondent No.3 has been awarded the *Shiv Bhojan Thali Kendra* by the communication dated 14.5.2021 (Page-34). That being the position merely because, the name of the petitioner has again being recommended by the communication dated 7.6.2021 (Page-12), however, that would not create any right in the petitioner whatsoever to claim entitlement for allotment of the *Shiv Bhojan Thali Kendra*. Moreso, in

view of the submissions by the State, that the target for the *Shiv Bhojan Yogana* was fixed at 2 Lakhs' Thalís per day, which already stands completed.

6. In that view of the matter, we do not see any reason to entertain the petition. The writ petition is dismissed. No costs.

JUDGE

JUDGE