



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

919 WRIT PETITION NO.4314 OF 2024

YASHODARA MAHILA SAHAKARI UDOYAGIK UTPADAK SANSTHA
THROUGH ITS CHAIRMAN AUTHORIZED SIGNATOR

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. A.G. Choudhari, Advocate for petitioner

Mr. A.B. Girase, GP for respondent No.1

...

**CORAM : SMT. VIBHA KANKANWADI &
S.G. CHAPALGAONKAR, JJ.**

DATE : 25th APRIL, 2024

ORDER :

1 Heard learned Advocate for the petitioner.

2 Present petition has been filed for following relief –

“(A) By issuing writ of Mandamus and / or any other appropriate writ, order or direction, the impugned Resolution/Subject No.40 and Decision No.71 passed in Ad-hoc Committee meeting dated 11.01.2024 and the impugned letter dated 18.01.2024 issued by the respondent, may kindly be quashed and set aside and earnest money deposit may please be returned in favour of petitioner and blacklisting of the petitioner may be removed.”

3 The petitioner had taken part in the E-Tender process for making and packing of Motichur Laddu and Barfi Prasad. Work order also appears to have been issued by respondent No.2, however, the petitioner by communication dated 27.12.2023 informed respondent No.2 the difficulties that would arise in carrying the tender work and, therefore, communicated the inability to go ahead with the tender work. Thereupon, another institution which was L-2 was called upon by respondent No.2, however, by order dated 18.01.2024 it has been communicated to the petitioner that the petitioner's name has been black listed by confiscating the amount of security deposited by the petitioner.

4 In this writ petition the challenge is to the resolution of black listing the petitioner on the ground that the principles of natural justice have not been adhered to and to quash the said resolution as well as impugned letter.

5 Respondent No.2 is a Trust. Though at present it appears that a Chief Executive Officer has been appointed, but it is an Ad-hoc Committee, but it is a Trust and, therefore, we are of the considered opinion that the writ of mandamus cannot be issued under Article 226 of the Constitution of India. The petitioner might be having remedy elsewhere.

6 Though the learned Advocate for the petitioner is relying on the decision of this Court in Writ Petition No.6703 of 2020 with Public Interest Litigation No.46 of 2021 dated 15.07.2022, wherein also a resolution of the Ad-hoc Committee was challenged and he submits that the said petition was then entertained by this Court. Here, we would like to say that the said petition was along with the Public Interest Litigation and, therefore, it might be maintainable, so also, then in the said petition the writ of mandamus was prayed to release the amount payable to the petitioner/Municipal Council for the purpose of cleanliness and sanitation as per Government Resolution dated 07.04.2018 and corrigendum dated 22.11.2018 in accordance with the provisions of 21(1)(ii) of the Shree Sai Baba Sansthan Trust (Shirdi) Act, 2004 and, therefore, the said petition appears to have been entertained for issuing writ of mandamus. But, here, the question was in respect of E-Tender for making and packing of Motichur Laddu and Barfi Prasad.

7 For the aforesaid reasons, the writ petition is not maintainable, hence dismissed, at the threshold.

(S.G. CHAPALGAONKAR, J.)

(SMT. VIBHA KANKANWADI, J.)