



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

PUBLIC INTEREST LITIGATION NO. 94 OF 2024

Ramesh S/o Arjun Patil,
Age : 34 years, Occu : Student,
R/o. Amrapalli Apartment,
Flat No. 988, First Floor Near Dnyan Probhodini
Sadshiv Peth, Pune 411 030 and Others

.. Petitioners

Versus

The State of Maharashtra
Through its Principal Secretary,
Other Backward Bahujan Welfare Department,
Annex Building – 139, First Floor, Mantralaya,
Madam Cama Road, Hutatma Rajguru Chowk,
Mumbai – 400 0342 and Others

.. Respondents

...
Advocate for petitioners : Mr. S.S. Dudhane
GP for the respondent – State : Mr. A.B. Girase
...

**CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR, JJ.**

DATE : 17 DECEMBER 2024

ORDER (MANGESH S. PATIL, J.) :

Heard the learned advocate for the petitioner.

2. By this petition, the petitioners are stated to be espousing
a public cause and are coming with the following prayers :-

- A)** *Call for record and proceedings of the case and hold and declare that, the letter dated 10/10/2024 issued by the Deputy Secretary permitting the Respondent No. 6 for holding separate process contrary to the policy decision/ Government Resolution dated 30/10/2023 and 25/07/2024 is illegal, contrary and violative of Article 14 of the Constitution of India and quash and set aside the same and for that purpose issue necessary orders;*

- B)** *Hold and declare that, the tender process / notices below Exh. "N" initiated by the Respondent No.6 MAHAJYOTI i.e.*
- i. E-Tender No. MAITAJYOTI /UPSC-NAGPUR & SAMBHAJI NAGAR / OCT/2024 Dated 11/10/2024 [INVITATION OF EXPRESSION OF INTEREST (EOI) FOR EMPANELMENT OF COACHING INSTITUTES TO PROVIDE COACHING FOR UPSC (CIVIL SERVICES) EXAMINATION AT NAGPUR AND CHHATRAPATI SAMBHAJINAGAR]*
 - ii. E-Tender No. MAHAJYOTI/UPSC-DELHI/OCT/2024 Dated 12/10/2024 [INVITATION OF EXPRESSION OF INTEREST (EOI) FOR EMPANELMENT OF COACHING INSTITUTES LOCATED IN DELHI, TO PROVIDE COACHING FOR UPSC (CIVIL SERVICES) EXAMINATION]*
 - iii. E-Tender No. MAHAJYOTI/SSC-CGL/OCT/2024 Dated 12/10/2024 [INVITATION OF EXPRESSION OF INTEREST (EOI) FOR EMPANELMENT OF COACHING INSTITUTES TO PROVIDE COACHING FOR SSC (CGL) EXAMINATION]*
 - iv. E-Tender No. MAHAJYOTI/MES/OCT/2024 Dated 12/10/2024 [INVITATION OF EXPRESSION OF INTEREST (EOI) FOR EMPANELMENT OF COACHING INSTITUTES TO PROVIDE COACHING FOR MAHARASHTRA ENGINEERING SERVICES EXAMINATION CONDUCTED BY MPSC]*
 - v. E-Tender No. MAHAJYOTI/IBPS/OCT/2024 Dated 12/10/2024 [INVITATION OF EXPRESSION OF INTEREST (EOI) FOR EMPANELMENT OF COACHING INSTITUTES TO PROVIDE COACHING FOR IBPS BANKING EXAMINATION] are published illegally, contrary to policy dated 30.10.2023 and are violative of Article 14 of the Constitution of India and quash and set aside the same and for that purpose issue necessary orders;*
- C)** *Issue writ of mandamus or any other appropriate writ, order or directions in the nature of the writ of mandamus directing the Respondent No. 1 to 8 implement the said policy decision dated 30/10/2023 and 25/07/2024 in true letter and spirit for the benefit of the students of all the categories in the interest of justice for present year and all the further/future subsequent years and for that purpose issue necessary orders;*
- D)** *Issue writ of prohibition or any other appropriate writ, order or directions in the nature of the writ prohibiting the Respondent Nos. 1 to 8 from holding separate selection process which is contrary to the policy decision of the Government Resolution dated 30/10/2024 and 25/07/2024 and for that purpose issue necessary orders;*

3. The learned advocate for the petitioners submits that the state government provides financial aid to respondent nos. 1 to 6. They empanel coaching centres for the benefit of students from target groups like SC, ST, OBC, VJNT, so as to enable them to get through the various competitive examinations conducted by different service commissions.

4. He submits that on a complaint of a sitting member of the Legislative Assembly in respect of functioning of the respondent no. 6 (hereinafter '**MAHAJYOTI**'), the state government decided to frame a common policy for empanelment, to all these institutes. Though initially, the respondent no. 6 – MAHAJYOTI was agreeable to such empanelment of different institutes together with the other institutes, namely, respondents no. 2 to 5 and though it had attended meetings, but it was not comfortable and was not agreeable for the respondent no. 7, to be engaged for undertaking the process of empanelment and insisted for permitting to undertake its empanelment independently. It also issued a circular dated 11-10-2024, continuing with two academies for undertaking the coaching for UPSC examinations 2024-25. Subsequently, respondent no. 2 - institute (**SARTHI**) also similarly opted for undertaking a separate process. A meeting of the committee constituted for suggesting common parameters for undertaking the

process for empanelment of the institutes resolved that if at all the respondents no. 2 - SARTHI and no. 6 - MAHAJYOTI wanted to opt out of the common exercise, they should follow the guidelines agreed upon in the meeting dated 31-01-2024.

5. The learned advocate for the petitioners submits that the whole purpose and the policy for which such exercise was undertaken, has been lost since respondents no. 2 and 6 are now opting away. It would not be in the interest of all the stakeholders, particularly the beneficiaries like the students who would suffer. Hence, this Public Interest Litigation.

6. Heard the learned Government Pleader, who pointed out that respondents no. 2 to 6 are autonomous institutes and can undertake their own process of empanelment.

7. Considering the submissions advanced across the bar in conjunction with the prayers made hereinabove, in spite of our specific query, the learned advocate for the petitioners could not demonstrate as to how the process of E-tendering undertaken by respondent no. 6 could be legally enjoined as per prayer clause (B), he could not give any satisfactory answer. He would proceed with the submission that once having participated in the meeting for evolving a common tender process for empanelment of the institutes, respondent no. 6 -

MAHAJYOTI ought not have opted out. He could not point out, as to how under a writ of prohibition or *mandamus*, respondent no. 6 could be compelled to stop the empanelment process undertaken by it and could be directed against its wish to come under the common umbrella. It would be a matter of policy and if for the reasons best known to the officers manning respondent no. 6 - MAHAJYOTI, are not comfortable and have decided to go for a separate tender, in our considered view, it cannot be prohibited much less in the form of the cause taken up by the petitioners.

8. There is nothing before us to demonstrate as to if and in what manner the decision of respondent no. 6 is arbitrary or prompted by *mala fides*.

9. In our considered view, the cause being put forth by the petitioners, styling it to be a public cause, is not a justiciable issue at the instance of the persons like the petitioners.

10. The petition is dismissed.

[PRAFULLA S. KHUBALKAR]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/