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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1439 OF 2024**

Mumbai Shahar Berojgar Seva
Sahakari Sanstha Federation
Limited

.. Petitioner

Versus

Municipal Corporation of Greater
Mumbai (MCGM) & Ors.

.. Respondents

Mr. Mayur Khandeparkar with Aditya Miskita, Sanjeel Kadam,
Soham Salvi, Netra Jagtap i/by Kadam & Co. for petitioner.

Ms. Shilpa Redkar i/by Mr. S. K. Sonawane for respondent
nos.1 to 3-MCGM.

Mr. Abhay L. Patki, Additional Government Pleader for
respondent nos.4 and 6-State.

**CORAM: DEVENDRA KUMAR UPADHYAYA, CJ. &
ARIF S. DOCTOR, J.**

DATE: 20th MARCH, 2024

P.C.:

1. Learned counsel for the petitioner submits a draft amendment and prays for leave to add the State of Maharashtra, through the Principal Secretary, Urban Development Department, as party respondent no.6.

2. The prayer for amendment is allowed. The learned counsel for the petitioner is directed to incorporate the amendment in the array of respondents of the petition during the course of the day. Re-verification is dispensed with.

3. Issue notice to the respondents. Hamdast is permitted.

4. Ms. Redkar, learned counsel, has put in appearance on behalf of respondent nos.1, 2 and 3 and waives service of notice. Mr. Patki, learned Addl. Government Pleader has put in

appearance on behalf of respondent nos. 4 and 6 and waives service of notice.

5. The submission of the learned counsel for the petitioner is that the impugned tender is not only in contravention of the policy of the State Government embodied in the Government Resolution dated 17th August, 2002 issued by the Department of Employment and Self-Employment, but also against the Circular dated 23rd October, 2002 issued by the Urban Development Department in as much as the State Government Resolution and Circular clearly instruct the local bodies, which would include the MCGM as well, to allot the daily activities task to the cooperative societies or service co-operative societies of unemployed, however, the impugned tender excludes the service cooperative societies from participation in tender. It is also the submission of the learned counsel for the petitioner that the nature of work, as per the subject tender, has to be allotted to service cooperative societies and not to any other entity as per the Government policy. It has been further stated that the last date of submission of bid pursuant to the subject tender is 26th March, 2024 by 5.00 p.m.

6. Let complete instructions be sought by the learned counsel representing the MCGM as also the State Government.

7. Stand over to **26th March, 2024**. To be listed **High on Board**.

(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)