



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

WRIT PETITION NO. 6047 OF 2024

Maharashtra Suraksha Rakshak Va Ashangathit Kamgar Sanghatana,
through its President and Others

Vs

State of Maharashtra Women and Child Welfare Department,
Mantralaya Mumbai 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. Sunil D. Shukla, counsel for petitioners.
Mr. N.S. Rao, counsel for respondent No.7.
Mr. Ishant Tambi, counsel for respondent No.8.
Mr. Neeraj Patil, AGP for respondent/State.

CORAM : ANIL S. KILOR and RAJNISH R. VYAS, JJ.

DATE OF RESERVE: 14/11/2025

DATE OF DECISION: 19/11/2025

P.C. (Rajnish R. Vyas, J)

1. The prayer in this writ petition is for issuance of an appropriate writ or order directing the respondent Nos. 2 to 6 to comply with the provisions of the Maharashtra Private Security Guards (Regulation of Employment and Welfare) Act, 1981 (hereinafter referred to as "the Act of 1981") and the scheme framed thereunder. The petitioners further seek a direction restraining respondent Nos. 2 to 6 from engaging unregistered security guards/security agencies in place of the petitioners. A

further prayer is made for direction restraining respondent Nos. 2 to 6 from terminating the services of the petitioners and from engaging unregistered security guards through unregistered security agencies. The petitioners also seek quashing and setting aside of the letter dated 24/09/2024 issued by respondent No.4 for engaging/providing registered security guards through unregistered security agency on a contract basis at respondent Nos. 3 to 6 Vasatigruh/Hostels.

2. In sum and substance, petitioner Nos. 2 to 23, who are registered security guards with the Board established under the Maharashtra Private Security Guards (Regulation of Employment and Welfare) Act, 1981, contend that their services cannot be substituted by employing the guards from an unregistered security agency. According to the petitioners, the communication dated 24/09/2024 (Page No.29) issued by the Superintendent of Government Hostel and addressed to Divisional Deputy Commissioner, Children and Child Development, Nagpur Division, Nagpur, in fact directs that security guards be provided through outsourcing till respondent No.8 (Brisk India Private Limited (Smart Services Private Limited Society) provides the required security guards. The

moot question is whether respondent No.8 can be called an unregistered agency under the provisions of the Act of 1981.

3. The Respondent/Board in pursuance of notice issued by this Court, has filed its reply and has specifically contended that it is no where concerned with the communication dated 24/09/2024. It was stated that appropriate action will be taken against respondent Nos. 4 to 6 if it is revealed that they have engaged unregistered security guards. Respondent Nos. 1 and 6 have filed their affidavit-in-reply and stated that the Government issued a Resolution dated 06/01/2017, by which a decision was taken to appoint security guards for all Government-aided/unaided hostel, State Homes, Shelter Homes and other reformatories for women and children, and sanctioned Rs. 18,000/- per month per Security Guard. The said Government Resolution (Page-48), which shows that the earlier allowance of Rs.8,000/- per security guard was found inadequate and thus was increased to Rs. 18,000/-. Paragraph-2 of the Government Resolution categorically states that, in order to provide security guards to the aforesaid establishments, services of outsourcing shall be availed firstly from the Maharashtra State Security Board, Maharashtra Ex-Servicemen

Board Limited, and Maharashtra State Ex-Servicemen Security Organization, and only if these agencies/boards fail to provide such services, outsourcing may be restored to.

4. Respondent Nos.1 and 6 further stated that on 30/07/2024 the District Women and Child Development Officer, Nagpur, sent a letter to the Security Board, and requested for providing the services of security guards to Observation Home, Nagpur, because the children residing in the said home are the juvenile in conflict with law and are admitted as per directions issued by the Juvenile Justice Board (Para-7 of the affidavit dated 25/02/2025)

5. It is further stated that since certain juveniles were trying to run away from the institutions, the services of security guards become necessary for their restraint and protection. On 25/07/2024 respondent board (Page-51) informed Superintendent of Government Hostel, Nagpur that due to less amount of wages given by establishment of respondent hostel and repeated attacks on security guard, survives of 9 security guards would lie stopped from 01/08/2024. A similar request was also made by the District Women and Child Development Officer, Nagpur, and the Divisional Deputy Commissioner,

Nagpur Division, Nagpur to the Deputy Commissioner (CD), Women and Child Development Commissioner, Commissioner Office, Pune, seeking guidance regarding the arrangement of security guards on 20/08/2024.

6. By another letter dated 30/08/2024, issued by District Women and Child Development Officer, Nagpur, it was requested to the Board established under the Act of 1981 at Nagpur to provide security guards. On the same date, a Government Resolution was issued regarding providing manpower as per scheduled attached to Government Resolution to Regional Offices, Government Institutions, and accordingly after inviting tenders, respondent No.8 was selected for providing manpower.

7. It is, therefore, clear that respondent No.8 is engaged to supply the services of security guards to the respondent departments. The prayers of the petitioners are required to be tested by considering the issue whether the respondent No. 8 has registered itself under the Act of 1981. For this purpose, paragraph 14 of the affidavit-in-reply of respondent Nos. 1 and 6 dated 25/02/2025, which is submitted by Divisional Deputy Commissioner, Women and Child

Development, Nagpur Region, Nagpur is relevant, which is reproduced below:-

“14. I say and submit that, Brisk India Private Limited (smart services Pvt. Ltd.) has submitted the proposal to the Commissioner, Woman And Child Development Commissioner Office, Pune along with Registration Certificate bearing No. PSA/L/13/MH/2020/FEB/3/51 which is valid up to 27/02/2025 and same is duly registered under the provisions of Maharashtra Private Security Guards (Regulation of Employment and Welfare) Act, 1981. Accordingly, after relying on the proposal, Office of the Commissioner, Woman And Child Development Commissioner, Pune has issued a work order to Brisk India Private Limited (smart services Pvt. Ltd.) on dated 05/09/2024.”

8. It can thus been seen that respondent No.8 is duly registered under the Act of 1981. It is settled principle of law that only on the basis of pleadings and the prayers made controversy can be decided. Since respondent No. 8 is an agency registered under the Act of 1981, it cannot be said that respondent Nos.2 and 6 are engaging unregistered security guards. In the absence of proper pleadings, we cannot decide whether registration of respondent No.8 at Pune under the Act of 1981 would entitle it to provide security guards at Nagpur.

9. In view of the aforesaid discussion, the prayers of the petitioners stand answered by the affidavit of respondent Nos. 1 and 6, to which no counter has been filed. Accordingly, the writ petition is deserves to be dismissed. Accordingly, we proceed to pass the following order. The point whether registration of respondent No.8 at Pune under the Act of 1981 would entitled it to provide security guards at Nagpur or out of area of its registration, is kept open. The petitioners are at liberty if they so desire to raise the same by appropriate proceeding.

The writ petition is **dismissed**.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)