



2024:UHC:8217-DB

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			WPMB No.520 of 2024 <u>Hon'ble Manoj Kumar Tiwari, A.C.J.</u> <u>Hon'ble Vivek Bharti Sharma, J.</u> Mr. Mani Kumar, Advocate for the petitioner. Mr. S.S. Lingwal, Advocate for the respondents. 2. Petitioner is a Civil Contractor registered with G.B. Pant University of Agriculture & Technology, Pant Nagar. 3. By means of this writ petition, petitioner has sought the following reliefs: “(A)issue a writ, order or direction in the nature of certiorari with a prayer to quash the order dated 08.10.2024 (Annexure No-6) passed by the office of Vice chancellor Govind Ballabh Pant University Agriculture and Technology Pantnagar, Udham Singh Nagar where by E-Tender dated 15.02.2024 published by the office of Respondent No-2 as per e- Procurement System, Government of Uttarakhand for the construction of Boundary wall, Gate and Approach Road of SC ST Hostel (Male) was cancelled. (B) issue a writ, order or direction in the nature of writ of Mandamus directing the respondent no. 1 to award the contract in pursuance of E- Tender dated 15.02.2024 published by the office of Respondent No-2 for the construction of Boundary wall, Gate and Approach Road of SC.ST Hostel (Male).” 4. Petitioner is aggrieved by an order passed by Vice Chancellor of the aforesaid University, on 08.10.2024. By the said order, Vice Chancellor had called explanation from the concerned authorities, as to why tender notice was not published in the newspapers. Vice Chancellor further directed to issue show cause notice to all persons responsible for this lapse. Vice Chancellor also



		directed the authorities to float fresh tender notice immediately. Pursuant to orders passed by Vice Chancellor, the tender process initiated vide tender notice dated 15.02.2024 has been cancelled. 5. Petitioner submits that since he was one of the bidders, who participated in the earlier tender process initiated vide notice dated 15.02.2024 and his bid was found to be the lowest and his name was also recommended by the Building Committee to the Vice Chancellor for approval, therefore, earlier tender notice could not have been cancelled and thus, he has sought a mandamus to award the contract to him in view of lowest rates offered by him in his bid. 6. Learned counsel for the University, however, submits that petitioner does not have any legally enforceable right and merely because he was found to be the lowest bidder, cannot be a ground to award contract to him. 7. We find substance in the said submission. The bid submitted by the petitioner is in the nature of offer and until his offer is accepted by the employer, it does not give him reason to question the validity of the decision taken by the Vice Chancellor. There is nothing on record to show that petitioner's bid was accepted. Reliance on the letter of Building Committee is of no avail to the petitioner, as by the said letter, only recommendation was made in favour of the petitioner, which was not accepted. 8. Even otherwise also, decision to cancel the tender process is referable to
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			one of the clause of the tender process, which provides that the Tender Committee can reject one or all the bids received for the tender process. 9. Learned counsel for the petitioner submitted that the sole ground for cancelling the tender process appears to be that the tender notice was not published in the newspapers. He submits that E-tender was invited and, in case of E-tender, there is no requirement of publication of tender notice in the newspapers and this aspect has been admitted by the Deputy Director in his letter. 10. Be that as it may, since the Vice Chancellor has found fault with the manner, in which the tender process was initiated and has also called explanation from the concerned authorities, therefore, we do not find any reason to go into the question of validity of the decision taken by the Vice Chancellor. Thus, there is no scope for interference. 11. Accordingly, the writ petition fails and is dismissed. (Vivek Bharti Sharma, J.) (Manoj Kumar Tiwari, A.C.J.) 07.11.2024 Arpan ARPAN JAISWAL Digitally signed by ARPAN JAISWAL, DN: cn=ARPAN JAISWAL, o=UHC, ou=UHC, email=arpanjaiswal@uhs.edu.in, c=IN Date: 2024.11.07 10:10:10 +05'30'
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