

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 3290 OF 2015

Pundlik Manikrao Waghmare

-vs-

The Secretary Maharashtra State SSC & HSC Education Board, Nagpur and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Avinash Ramteke, counsel for the petitioner.
Mr. Anand Parchure, counsel for the respondent No.1.

CORAM : SMT. VASANTI A. NAIK &
PRASANNA B. VARALE, JJ.

DATE : 17.08.2015.

By this petition, the petitioner challenges the order of the respondent No.1, dated 01/12/2014, allotting the tender for providing security services at the places mentioned in the tender notice, to the respondent No.2.

According to the petitioner, though the tender of the petitioner was the second lowest tender, the respondent Nos.1 and 3 illegally allotted the work contract of supplying security services to the respondent No.2. It is stated that the tender of the respondent No.2 was much higher than the tender of the petitioner and still the respondent No.2 has been awarded the contract.

The respondent Nos.1 and 3 have filed an affidavit-in-reply. It is stated in the affidavit-in-reply that the respondent No.2 was the second lowest bidder and the lowest bidder had quoted a rate of 0.01 per guard per day, which no prudent person could have quoted. It is stated that since the bid of the respondent No.2 was the second lowest and the bid of the petitioner was much higher than the bid of the respondent No.2, the contract was awarded in favour of the respondent No.2.

On a perusal of the documents annexed to the petition and the affidavit-in-reply filed on behalf of the respondent Nos.1 and 3, it appears that there is no merit in the submission made on behalf of the petitioner. The respondent Nos.1 and 3 were not bound to award the tender in favour of the petitioner merely because the petitioner is an ex-serviceman belonging to the reserved classes. The respondent Nos.1 and 3 found that the bid of the respondent No.2 was second lowest i.e. lower than the bid of the petitioner. The bid of the lowest tenderer was not accepted, as the rate quoted by the said tenderer was unconscionable and the same could not have been quoted by any prudent person. In the circumstances, we do not find any illegality in the action of the respondent Nos.1 and 3 in awarding the tender in favour of the respondent No.2. Even otherwise the respondent No.2 has worked upon the tender for more than six months.

In view of the aforesaid, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE