

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

WP(C).No. 8996 of 2015 (W)

PETITIONER:

**MR.RAJESH MATHEW,
CHERUMATTATHIL HOUSE,
VELLOORKUNNAM MARKET PO.,
MUVATTUPUZHA, ERNAKULAM DISTRICT.**

BY ADV. SRI.SAIBY JOSE KIDANGOOR

RESPONDENT(S):

- 1. STATE OF KERALA,
PUBLIC WORKS DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM- 695 001.
REPRESENTED BY ITS SECRETARY.**
- 2. THE CHIEF ENGINEER,
PUBLIC WORKS DEPARTMENT,
R & B SOUTH CIRCLE,
THIRUVANANTHAPURAM - 695 033.**
- 3. THE SUPERINTENDING ENGINEER,
PUBLIC WORKS DEPARTMENT,
R& B SOUTH CIRCLE,
THIRUVANANTHAPURAM - 695 033.**

R SENIOR BY GOVERNMENT PLEADER SRI.KC.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1- TRUE COPY OF THE NOTICE DATED 26.2.2015 INVITING TENDER.
- P2- PRINTOUT OF ALL THE EMAIL EVIDENCING SUBMISSION OF THE TENDER APPLICATION DATED 13.3.2015.
- P3- TRUE COPY OF THE AGREEMENT ENTERED BETWEEN THE PETITIONER AND RESPONDENT DEPARTMENT DATED 13.7.2009.
- P3(A)- TRUE COPY OF THE COMPLETITON CERTIFICATE ISSUED BY THE RESPONDENT DEPARTMENT FOR THE WORK "UDAKKUCITY-KUTTANKAVALA ROAD".
- P4- TRUE COPY OF HTE AGREEMT ENTERED BETWEEN THE PETITIONER AND RESPONDENT DEPARTMENT DATED 2.7.2009.
- P4(A)- TRUE COPY OF THE COMPLETION CERTIFICATE ISSUED BY THE RESPONDENT DEPARTMENT FOR THE WORK "KOVILOOR OTTAMARAM ROAD".
- P5- TRUE COPY OFTHE AGREEMENT ENTERED BETWEEN PETITIOENRS AND 3RD RESPONDENT.
- P6- TRUE COPY OF THE NOTICE DATED 23.1.2015 ISSUED BY 3RD RESPONDENT.
- P7- PRINTOUT OF THE EMAIL EVIDENCING SUBMISSION OF THE TENDER APPLICATION BY PETITIONER.
- P8- PRINTOUT OF THE EMAIL DATED 16.3.2015 RECEIVED FROM 3RD RESPONDENT.
- P9- PRINTOUT OF THE FINANCE BID OPENING SUMMARY.
- P10- PRINTOUT OF THE EMAIL DATED 17.3.2015 RECEIVED RFROM 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS:

- NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 8996 of 2015

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Dated, this the 24th day of March, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

"(i) Issue a writ of certiorari to call for Exhibit P10 and set aside the impugned order.

(ii) Issue a writ of mandamus or such other writ, order or direction directing the 3rd respondent to lay Exhibit P2 before the Pre-qualification Committee of Public Works Department and process Exhibit P2 on merits.

(iii) Grant such other and incidental reliefs as this Honourable Court may deem just and necessary on the facts and circumstances of this case.

And

(iv) allow this writ petition (civil) with costs to the petitioner.

2. The learned counsel for the petitioner points out that in response to the tender floated by the respondents, the petitioner has submitted the tender satisfying all the requirements, but his tender has been rejected as per Ext. P10 dated 17.03.2015, absolutely without any reason. Hence the writ petition.

3. Today, when the matter is taken up for consideration the learned Government Pleader, submits, on instructions that the matter was got verified, upon which, it was revealed that reason for rejecting the bid submitted by the petitioner, vide Ext. P10, was not correct and hence immediate remedial action was taken. It is stated that steps are being taken to consider the tender submitted by the petitioner as well. A copy of the communication dated 18.03.2013 issued by the 3rd respondent, showing the name of the petitioner as well, is placed for perusal.

4. In the said circumstances, this Court finds that no further orders are necessary in this writ petition. The writ petition is disposed of, directing the respondents to consider the bid submitted by the petitioner and to proceed with appropriate steps so as to finalize the tender proceedings.

The petitioner shall produce a copy of this judgment along with copy of the writ petition before the concerned respondent for further steps.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd