

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 16TH DAY OF OCTOBER 2015/24TH ASWINA, 1937

WP(C).No.21283 of 2015 (I)

PETITIONER:

MANI SAMUEL, PROPRIETOR, VIDYARTHI BOOKS AND LAB AIDS,
KOTTAYAM.

BY ADVS.SRI.LIJI.J.VADAKEDOM
SMT.REXY ELIZABETH THOMAS
SRI.RAJEEV JYOTHISH GEORGE

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY ITS CHIEF SECRETARY, SECRETARIAT
THIRUVANANTHAPURAM - 695 001.
2. SECRETARY, STORES, PURCHASE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
3. KERALA STATE SMALL SCALE INDUSTRIES DEVELOPMENT
CORPORATION (SIDCO), SANTHI NAGAR, THIRUVANANTHAPURAM
REPRESENTED BY ITS MANAGING DIRECTOR, PIN - 695 001.
4. SECRETARY TO THE GENERAL EDUCATION DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
5. DIRECTOR OF HIGHER SECONDARY EDUCATION
SANTHI NAGAR, THIRUVANANTHAPURAM - 695 001.
6. M/S.TBS PUBLISHERS DISTRIBUTORS
TBS BUILDING, G.H.ROAD, KOZHIKODE - 1
REPRESENTED BY ITS PROPRIETOR.

R1,R2,R4 & R5 BY GOVERNMENT PLEADER SMT..C.K.SHERIN
R3 BY ADV.SRI.R.T.PRADEEP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

PTO

WP(C) .No.21283 of 2015 (I)

APPENDIX

PETITIONER'S EXHIBITS

EXHIBIT P1.THE RELEVANT EXTRACT OF THE STORE PURCHASE MANUAL
SHOWING PARA.7.5 AND PARAGRAPHS 9.21 TO 9.25.

EXHIBIT P2.THE COPY OF THE GOVERNMENT LETTER DATED 19.05.2003
ISSUED FROM THE PRINCIPAL SECRETARY TO GOVERNMENT TO
THE STORE PURCHASE DEPARTMENT EXPLAINING ABOUT THE
RELAXATION GRANTED TO THE SIDCO.

EXHIBIT P3.THE COPY OF THE G.O. DATED 08.02.2005 GRANTING
EXTENSION.

EXHIBIT P4.THE COPY OF THE JUDGMENT DATED 18.04.2008 IN W.P. (C)
NO.8318/2007.

EXHIBIT P5.THE COPY OF THE GOVERNMENT ORDER GO(RT)NO.62/2013/SPD
DATED 22.11.2013.

EXHIBIT P6.THE COPY OF THE GO(RT)NO.72/2014/SPD DATED 18.12.2014.

EXHIBIT P7:THE COPY OF THE REPLY DATED 29.6.2012 ALONG WITH THE
APPLICATION FOR INFORMATION (SUBMITTED BY ONE
P.T.THOMAS) ISSUED BY THE PRINCIPAL GHSS,ARUVITHURA.

EXHIBIT P8:THE COPY OF THE RELEVANT EXTRACT OF THE ANSWER ALONG
WITH THE COPY OF THE ACCEPTANCE CERTIFICATES OF SUPPLY
FROM SIDCO TO THE SCHOOL.

EXHIBIT P9:THE COPY OF THE LETTER DATED 28.6.2012 FROM THE
PRINCIPAL,GHSS,PANAMATTOM.

EXHIBIT P10:THE COPY OF THE CIRCULAR DATED 13.11.2014 ISSUED BY
THE DIRECTOR OF HIGHER SECONDARY EDUCATION,
THIRUVANANTHAPURAM.

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

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A. MUHAMED MUSTAQUE, J

W.P.(C).No. 21283 of 2015

Dated this the 16th day of October, 2015

JUDGMENT

The petitioner is a dealer in stationery materials, laboratory equipments, sports items etc.

2. According to the petitioner, they also supplies goods to Government Departments, Public Sector Undertakings etc. The issue now pertains to purchase aforesaid items effected by the 3rd respondent- SIDCO. As per Ext.P6 Government Order, the Government gave a sanction to all Government Departments, Public Sector Undertakings, Local Self Government Institutions etc. to purchase their requirements of the stationery items from SIDCO without following tender formalities. However, the above Government Order also stipulates under Clause 'c' as follows :

“When such supply is made, the Managing Director, SIDCO should ascertain that the items

(Steel Fabricated Hospital Furniture, Hospital Equipments and Laboratory Equipments) are manufactured locally by SIDCO or are manufactured by the MSME units in Kerala, registered with SIDCO.”

3. According to the petitioner, as per Ext.P6 Government Order, SIDCO is purchasing from the outside dealers in violation of the above clause.

4. The learned counsel for the SIDCO would submit that they have not violated Ext.P6 Government Order. It is also submitted that the dealers are purchasing certain items from the outside dealers since they are not manufacturing and SIDCO has never violated guidelines. Essentially, this is the matter which require a consideration by the Government to streamline the guideline for purchase.

5. This Court is of the view that Ext.P6 Government Order is not adequate. If MSME units in Kerala are not manufacturing and they are purchasing from the outside dealers what course of action is to be followed has to be addressed by the Government. Therefore, this Court is of the view that if the petitioner approaches

2nd respondent-Secretary, Stores Purchase Department, the Government shall address this issue after hearing the petitioner as well as SIDCO Officials within a period of two months from the receipt of representation along with the judgment and pass appropriate orders.

The writ petition is disposed of as above.

Sd/-
A. MUHAMED MUSTAQUE,
JUDGE

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