

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

WP(C).No. 38979 of 2015 (S)

PETITIONER(S) :-

1. MUJEEB E, S/O.ELLIYAS,
METTILVEEDU, KARAMMOODU, PATHANAPURAM,
KOLLAM DISTRICT - 689 695.
2. NAJEEB E., S/O.ELLIYAS,
METTILVEEDU, KARAMMOODU, PATHANAPURAM,
KOLLAM DISTRICT - 689 695.

BY ADVS.SRI.JOSEPH KODIANTHARA (SR.)
SRI.B.MOHANLAL
SRI.ISAAC THOMAS

RESPONDENT(S) :-

1. STATE OF KERALA REPRESENTED BY THE SECRETARY,
PRINTING & STATIONERY DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
2. THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
3. KERALA BOOKS AND PUBLICATIONS SOCIETY,
(AN UNDERTAKING OF GOVERNMENT OF KERALA)
KAKKANAD, KOCHI - 682 030.
4. THE KERALA STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS
SREEGANESH, TC 14/2036, VANCROSS JUNCTION,
KERALA UNIVERSITY P.O., THIRUVANANTHAPURAM - 695 034.

R1, R2 & R4 BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR
R3 BY SMT.LATHA ANAND, SC, KERALA BOOKS & PUBLICATIONS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C).NO.38979 OF 2015

APPENDIX

PETITIONER'S EXHIBITS :-

EXT.P1 :- TRUE COPY OF THE TENDER FLOATED BY THE 3RD
RESPONDENT DATED 10.11.2015, PRINTED FROM THE WEB PORTAL OF THE
3RD RESPONDENT.

RESPONDENT'S EXHIBITS :- NIL.

//TRUE COPY//

P.A. TO JUDGE

**ASHOK BHUSHAN, C.J &
A.M. SHAFFIQUE, J.**

W.P.(C) No.38979 of 2015

Dated this the 21st day of December 2015

J U D G M E N T

Shaffique, J.

This writ petition is filed in the form of public interest litigation. It is stated by the petitioners that the procedure adopted by respondents 1 to 3 for procurement of paper for printing text books for Government and Government-Aided schools in the State of Kerala is arbitrary and improper. According to the petitioners, the same will amount to serious illegality and injustice, which will operate against the interest of the students' community.

2. It is also alleged that various technical parameters, which are required to be incorporated in the tender notification are not being incorporated and appropriate steps have not been taken to ensure the quality of paper. The petitioners had produced Ext.P1, E-Tender Notice. This notice has been published for inviting tenders for the supply of variety of papers and White Card for printing of text books for the year 2016-'17. Various conditions and general requirements for the paper and other parameters are specifically mentioned in the tender notice.

3. On going through the records and after having heard the submission made by the learned Senior Counsel, we do not

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think that the issue relating to procurement of paper by Government can be decided in a public interest litigation. It is a fact that for printing of text books, calling of tender is an accepted procedure and incorporation of a particular clause in a tender are matters purely within the realm of jurisdiction of the tender inviting authorities. This Court cannot issue any direction as prayed for in this writ petition.

Hence, we do not think it necessary to proceed with this public interest litigation. Accordingly, the same is dismissed.

**Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE**

**Sd/-
A.M. SHAFFIQUE
JUDGE**