

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

AND

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT APPEAL Nos. 370, 371, 372, 373 & 376 of 2015

-

COMMON JUDGMENT: (per NRR,J)

This batch of writ appeals has been preferred against an interlocutory order passed in a batch of writ petitions, on 30.04.2015 by the learned Single Judge. After a proper and careful assessment of balance of convenience lying in between the competing parties, in paragraph 12 of the said order, the learned Judge has taken care to incorporate four important conditions. The entire paragraph containing those conditions is worth the reproduction once again:

“12. In these circumstances, therefore, the interim order dated 31.03.2015 is modified. Petitioners/publishers shall be entitled to print, publish and distribute the NT books as per the direction of the third respondents before the commencement of the academic year 2015-2016 subject to the following conditions:

1. On or before 02.05.2015, each petitioner shall furnish bank guarantee of Rs.1 crore towards performance security deposit in favour of the 3rd respondent together with an agreement on non-judicial stamp paper;
2. On compliance of the condition aforesaid, the 3rd respondent shall enter into an agreement with the respective petitioners and supply the CD's and specimen copies of tile required for printing and publishing of NT books for the academic year 2015-2016 and shall also supply appropriate work orders to the respective petitioners regulating the supply and distribution of the text books in terms of the earlier proceedings dated 04.02.2015 and stipulate all such further conditions as are necessary.
3. In the event of any of the petitioner not complying with the condition No.1 stipulated above, to the extent of such work relating to such defaulting petitioner, the 3rd respondent shall be at liberty to finalize the tenders and proceed to award the work

to successful tenderer to that extent and get the work executed through him.

4. The arrangement aforesaid is subject to final decision in the writ petitions and shall be confined only to the academic year 2015-2016 and the respondents shall be at liberty to select suitable printer/publisher for the academic year 2016-2017 onwards in accordance with law.”

However, Dr.J.Vijaya Lakshmi, learned counsel for the appellants, would strenuously submit that the writ petitioners do not have any wherewithal both financial and otherwise to stick up to the tight time schedule for making available the text books and note books. She would also urge that the financial interests have not been taken care in the impugned order.

We have carefully gone through the order passed by the learned Single Judge and in principle, we do not find any error in the assessment of balance of convenience made by the learned Single Judge. However, with a view to protect the interests of the appellants as well as the State, we consider it appropriate to add the following condition to the four conditions, which have been incorporated by the learned Single Judge in the interlocutory order.

“The respondents will take prompt and immediate action against the defaulting printers in case the time schedules have not been faithfully and truthfully stuck to by them and such an action will not wait for any further clearance from this Court.”

The writ appeals stand disposed of with this modified order. There shall be no order as to costs.

Consequently, the miscellaneous applications, if any shall also stand disposed of.

NOOTY RAMAMOHANA RAO, J

Dt:07.05.2015

Kdl/gj