

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.5131 of 2015

Date: 27-03-2015

Between:

The Vivekananda Boatmen and Labour Contract
Cooperative Society Limited, represented by its
President Pilli Srinivasa Rao

.. Petitioner

AND

The State of Andhra Pradesh, represented by its
Principal Secretary, Panchayat Raj and Rural
Development Department, Hyderabad and 4 others

.. Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.5131 of 2015

ORDER:

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Questioning the proceedings vide Rc.No.S/69/2015, dated 27-02-2015 rejecting the tender application of the petitioner society on the ground that the petitioner has not submitted Experience Certificate of Ferry Operations in respect of Kotipally Ferry of K. Gangavaram Mandal, East Godavari District, the present writ petition is filed.

2. The case of the petitioner is that the petitioner society is doing contract

works in and around in the village having 13 years experience in conducting Boating operations. The 5th respondent issued Tender-cum-Auction Notification No.S/69/2015, dated 10-02-2015 quoting certain guidelines issued by the Government under various G.O.s for conducting Auction of Ferry Rights for collection of Tools of Kotipally Ferry of K. Gangavaram Mandal, East Godavari District in accordance with Canals and Public Ferry Act, 1890 for the year 2015-2016 from 01-04-2015 to 31-03-2016 to be held on 28-02-2015 and in pursuance of the said tender notification, the petitioner society paid the requisite fee and submitted its tender application to the 5th respondent and the 5th respondent taken objection stating that unless the petitioner society produces the five years experience from the Executive Engineer, Godavari Head Works Division, Deweleswaram, the application will not be entertained. It is stated that imposing of condition No.6 is prevented new persons from participating in the aforesaid tender-cum-public auction. It is further stated that in view of the State Election Commission issued MLC Elections, 2015 notification for conducting MLC Elections in A.P. and Telangana, conducting of auction on 28-02-2015 is violation of Election Code. It is further stated that when the petitioner society produced the Certificate issued by the Divisional Cooperative Officer, Rajahmundry dated 25-02-2015 about the experience in conducting Boats operations, the 5th respondent has not accepted the same and insisting the certificate of Executive Engineer, Godavari Head Works Division, Deweleswaram. Aggrieved by the said action, the present writ petition has been filed.

3. The 5th respondent filed its counter, among other things, stating that the other persons, who participated in the tender process, have produced the experience certificates as per condition No.6 and even the tender application of the petitioner is received, but as the petitioner society has not submitted the necessary experience certificate as per condition No.6, its application is rejected and the certificate produced by the petitioner society is not in tune with the condition No.6.

4. In this case, the main grievance of the petitioner is that the tender applications of other persons were accepted even though the certificates produced by them are not in tune with the condition No.6, but the said fact is

disputed by the 5th respondent in the counter affidavit and the experience certificates produced by the 5th respondent shows that the same were signed by the Boat Superintendent, Boat Section, Dewleswaram, but countersigned by the Executive Engineer, Godavari Head Works Division, Dewelesram. Even though the learned counsel for the petitioner disputed its genuineness and authenticity, but, when the Executive Engineer, Godavari Head Works Division, Dewleswaram, countersigned the same, question of challenging the validity and authenticity does not arise. It is further contended that the said certificates were filed even after filing of the writ petition and when the counter is filed along with the certificates showing that the other persons have filed the same as per condition No.6, this court cannot conduct a roving enquiry regarding the validity and authenticity of the said certificates and this court cannot sit as an appeal over the decision of the respondent authorities. When the certificates produced by the other persons were filed by making statement on oath, the same cannot be discarded. No particulars are given by the petitioner as to why it has not produced the certificate as per condition No.6 and no mala fide is attributed, much less any factual foundation is laid for making such allegations. Therefore, I do not see any merit in the writ petition, and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A. RAJASHEKER REDDY, J

Date: 27-03-2015

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