

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.12533 OF 2015

ORDER:

This writ petition is filed for a *Mandamus* declaring the impugned tender (procurement) notification dated 20-04-2015 issued by the 2nd respondent without cancelling the 1st notification dated 19.03.2015, as arbitrary, illegal, unjust and violative of principles of natural justice and consequently, to direct the 2nd respondent to continue the petitioner as contractor/outsourcing agency to the 2nd respondent office.

The petitioner is a registered firm under the Partnership Act and it supplies manpower to various institutions; that the 2nd respondent issued tender notification dated 19.03.2015 for supply of manpower on outsourcing basis; that the petitioner also participated in the same but bids were not opened without any reasons and that without cancelling the first tender notification, second tender notification is issued on 20.04.2015. Aggrieved by the same, this writ petition is filed.

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration appearing for the 1st respondent and Sri N.Venkateswarlu, learned Standing Counsel appearing for the 2nd respondent.

Learned counsel for the petitioner submits that without issuing any notice to the petitioner and without cancelling the earlier tender notification dated 19.03.2015, the impugned notification dated 20.04.2015 was issued for the very same purpose, which is erroneous.

Learned Standing Counsel for the 2nd respondent submits that in response to the tender notification dated 19.03.2015, only two bidders

participated and both of them have not fulfilled the mandatory provisions of the tender notification and hence, the said notification was cancelled and fresh tender notification is issued and that the petitioner can participate in the same.

On 27.04.2015, this Court, while granting stay of finalisation of tender, permitted the tender process to go on.

The issuance of tender notification is only an invitation, for a particular work and as and when any offers are made, it is for the 2nd respondent-Municipality to consider the same. Normally no Mandamus can be issued to accept the offer made by the respondents. It is in the realm of contract, and more so, this Court and Apex Court held that Courts should not interfere with the tender process unless the same is in the public interest. In this case, admittedly fresh tender was issued on 20.04.2015. The respondent has given reason for calling fresh tender.

In view of the same, the petitioner can participate in the tender process if he is otherwise eligible and will have an opportunity for consideration of his bid along with other eligible candidates. Hence, I do not see any merit to entertain this writ petition.

Accordingly, this Writ Petition is dismissed. No order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

29.04.2015

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