

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.1059 OF 2015

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ORDER:

The writ petition is filed for a *Mandamus* declaring the action of the respondents 2 to 5 in selecting the 6th respondent for the tender of transportation of food grains and edible oils from ICDS Project, Anantapuram (urban) to the Anganwadi Centres of concerned ICDS Project, as illegal and arbitrary and contrary to the Tender Condition Nos.1 and 13; and to set aside same and for a consequential direction to the respondents 2 to 5 to consider and select the petitioner for the said tender.

The case of the petitioner is that in pursuance of the tender notification issued by the respondents 3 and 4 for transportation of food grains and edible oils from (17) ICDS Project centres, Anantapuram District to the Anganwadi Centres of the concerned ICDS Project, the petitioner, 6th respondent and others have submitted their tenders to the Anantapuram (urban) centre. Thereafter, the respondents 2 to 5 have selected the 6th respondent for the above said tender, even though the 6th respondent has not satisfied the tender condition Nos.1 and 13. The petitioner further submits that he made a representation dated 11.01.2015 to the 4th respondent stating the selection as illegal on the ground that the 6th respondent is not having own vehicle at the time of submitting his tender, which is contrary to tender condition No.1 and he is not the resident of ICDS Project Anantapuram (urban) which is contrary to tender condition No.13. But, without considering the representation of the petitioner, the respondents have selected the 6th respondent. He further submits that the 6th respondent has also applied for Koderu centre, as such he is disqualified.

Heard learned counsel for the petitioner.

Learned Assistant Government Pleader for Women and Child Welfare produced written instructions dated 03.02.2015 stating that the 6th respondent is having own vehicle with registration No.AP 02 X 8736, Model 2010, and his voter identity card shows that he is the resident of Anantapuram town, as such he denied the contention of the petitioner that the 6th respondent was selected illegally.

In the instant case, the allegations made by the petitioner that the 6th respondent has not satisfied the tender condition Nos.1 and 13 are answered by the respondents through written instructions. But, in the written instructions submitted by the learned Asst. Government Pleader, it is not mentioned whether the 6th respondent has produced the vehicle registration number at the time of submitting his tender. As far as the residence of the 6th respondent is concerned, the grievance of the petitioner is that the 6th respondent has applied for Koderu centre also; as such he is liable to be disqualified. Since the respondents, basing on the voter identity card, selected the 6th respondent for Anantapuram (urban) only, it cannot be said that the selection of 6th respondent is contrary to tender condition No.13.

Now, the grievance of the petitioner, which has to be answered by the respondents, is that whether the 6th respondent has produced the vehicle registration certificate along with the tender application or not. In view of the same, the competent authority is directed to consider the representation of the petitioner dated 11.01.2015 to that effect and take action accordingly as per law.

Accordingly, the writ petition is disposed of. 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

04.02.2015

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