

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.7763 OF 2015

ORDER:

This petition is filed for a writ of *Mandamus* to call for the records relating to approval of Item 'c' in continuation of office note dated 18.09.2014 of the 4th respondent blacklisting the petitioner's society as illegal, arbitrary and consequently to set aside the same.

The case of the petitioner society is that it has entered into agreement with the 4th respondent for supply of eggs to various Anganwadi Centres for a period from April, 2014 to the end of March, 2015. Thereafter, however, when the said contract was cancelled by the 4th respondent vide proceedings dated 18.09.2014, the petitioner challenged the same before this Court by filing WP.No.29840 of 2014 and this Court granted interim stay on 01.10.2014. Therefore, the petitioner society is engaged in continuous supply of eggs to the Anganwadi Centres of the respondent departments pending writ petition. While so, when the 3rd respondent filed counter affidavit in the above said writ petition which is pending, it appears that a decision under point (c) of the proposal for blacklisting the petitioner society along with another trader was accepted by the 4th respondent on 18.09.2014. But the same is neither communicated to the petitioner society nor any notice is issued to the petitioner. By the reason of the decision taken by the 4th respondent, the petitioner society will become ineligible to participate in the present short tender notification dated 18.03.2015 issued by the 4th respondent. As such, the petitioner filed the present writ petition.

This Court on 25.03.2015 granted interim direction permitting the petitioner to participate in the tender process and directed the 4th respondent to

consider the bid of the petitioner along with others without reference to blacklisting proceedings, which are not communicated to the petitioner.

Heard learned counsel for the petitioner.

Learned Government Pleader for Women Development and Child Welfare produced proceedings dated 29.03.2015 which was also filed by the petitioner along with WP.MP.No.13976 of 2015, wherein it is clearly stated that the petitioner will be allowed to participate in the tender process without reference to the note file approved by the 4th respondent on 18.09.2014 to black list the petitioner society.

Now the petitioner filed WP.MP.No.13976 of 2015 for a direction to the respondents to continue the petitioner society with the supply contract of eggs on the same terms and conditions as per the earlier contract agreement till a final decision is taken in the matter of blacklisting of the petitioner society and its due communication in writing and to postpone finalization of the tenders till then.

Since the prayer in the writ petition is pertaining to the tender notification dated 18.03.2015 and since this Court has already directed the respondents to allow the petitioner to participate in the tender process and, in view of the proceedings dated 29.03.2015 produced by the learned Government Pleader, the writ petition is disposed of directing the respondents to consider the petitioner's bid along with others as per law. 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

15.04.2015

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