

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2516 of 2016**

- Satnam Mahila Vikash Samiti Salhewar Para Dhamtari, Through President Smt. Shashtri Sonwani, W/o Villay Sonwani Aged About 43 Years R/o Salhewar Ward Jai Satnam, Chowk, Dhamtari District Dhamtari Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh Through The Secretary Collector Dhamtari, Distirct Dhamtari Chhattisgarh
2. Civil Surgeon Cum Chief Hospital Superintendent, District Hospital Dhamtari, Distirct Dhamtari Chhattisgarh
3. The President, Jeewan Deep Samiti, District Hospital Hospital, Dhamtari, Distirct Dhamtari, Chhattisgarh
4. Jai Durg Mahila Swa Sahayata Samuh, Village Pachpedi, Post Rampur, Police Station Bhakhara, Distirct Dhamtari Chhattisgarh Through Its President Fuleshwari Sahu W/o Nandkumar Sahu, Aged About 35 Years R/o Village Pachpedi, Post Rampur, Police Station Bhakhara, District Dhamtari Chhattisgarh

---- Respondents

For Petitioner	:	Shri Pushpendra Kumar Patel, Advocate
For Respondents-State	:	Shri Arun Sao, Dy. AG for the State

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

05/10/2016

1. Petitioner was granted contract to run the canteen and general store within the district hospital premises, Dhamtari for the period 01.12.2011 to 30.11.2013. The contract period was neither extended nor any order was issued to the petitioner directing him to stop running the shop, however, a fresh tender was issued for the year 2016-17 for settling the right in favour of the successful tenderer to run the canteen and general store. In the said tender process, respondent No.4 was found to be successful and has been authorized to run the canteen and general store for a period of one year w.e.f. 01.10.2016.
2. As a consequence of completion of fresh tender process, the petitioner has been issued the order Annexure P-1 directing him to stop running the

canteen and general store.

3. It is argued that since the petitioner was permitted to run the canteen and general store even after 30.11.2013, no order could have been passed behind the back of the petitioner. It is also argued that the petitioner is ready to run the shop on better offer.
4. It appears, a tender process was initiated for the year 2016-17, however, averments in the writ petition or the documents filed do not indicate as to whether or not the petitioner participated in the tender process. It always remained open for the petitioner to participate in the tender process, however, if he has chosen not to participate, he cannot claim any superior right over and above the right conferred on the successful tenderer to run the canteen and general store on the basis of agreement executed between respondent No.4 and the hospital authorities. There is no final communication in favour of the petitioner to run the canteen and general store after the cessation of the contract period in November-2013, therefore, the petitioner has no right to continue to operate the canteen and the general store. In the absence of any legal right, no writ can be issued to quash the order Annexure P-1 or restrain respondent No.4 from running the canteen and general store.
5. The writ petition has no substance. It deserves to be and is hereby dismissed.

Sd/-

Judge
Prashant Kumar Mishra

Ashu