

**FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR**

WRIT PETITION NO. 1417/2016

(ANIL PYARELAL AGRAWAL **VERSUS** DISTRICT HEALTH CENTRE, KUNWAR TILAKSINGH
GENERAL HOSPITAL, GONDIA & OTHERS)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.S. Paliwal, counsel for the petitioner.
Shri V.P. Gangane, A.G.P. for the R-1 to 3.

**CORAM : SMT.VASANTI A. NAIK AND
MRS. SWAPNA JOSHI, JJ.**

DATE : JULY 11, 2016.

By this writ petition, the petitioner challenges the E-Tender notice for grant of contract of mess service for the year 2015-16. According to the petitioner, some of the conditions of the E-Tender are arbitrary and bad in law.

It is not in dispute that the petitioner had participated in the E-Tender and has filed this writ petition after participation. It is well settled that a candidate participating in the selection process is estopped from challenging the selection process at a later stage. It was necessary for the petitioner to have approached this Court before participating in the selection process. It is well settled that a challenge to the selection criteria after participating in the selection process is not permissible. It would be necessary to refer to the judgments reported in **(2009) 3 SCC 227** (*Amlan Jyoti Borooah Versus State of Assam & Others*), **(1997) 4 SCC 426** (*University of Cochin Versus N.S. Kanjoonjamma & Others; v. Vasudevan Versus University of Cochin & others*), **(2008) 4 SCC 171** (*Dhananjay Malik & Others Versus State of Uttaranchal & Others*), **(2010) 12 SCC 576** (*Manish Kumar Shahi Versus State of Bihar & Others*) and **(2011) 1 SCC 150** (*Vijendra Kumar Verma Versus Public Service Commission, Uttarakhand & Others*), in this regard.

Since the petitioner cannot be permitted to challenge the conditions in the tender notice after participating in the tender process, we decline to entertain the writ petition. The writ petition is disposed of with no order as to costs.

JUDGE

JUDGE

APTE