

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.2852/2016

Jai Mahakali Adiwasi Swyam Rojgar Sewa Sahakari Sanstha, Through its
President

...Versus...

State of Maharashtra, Through its Secretary, Tribal Development Department,
Mantralaya Extension, Mumbai – 400032 and others

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

Court's or Judge's orders

Mrs. Mugdha Chandurkar, Advocate for petitioner
Mrs. B.H. Dangre, G.P. for respondent nos.1 to 4
Shri A.S. Dhore, Advocate for respondent no.5

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

DATE : 04.07.2016

By this writ petition, the petitioner challenges the E-Tender notice, dated 11.4.2016 inviting bids for supply of meal/food to the tribal hostels for boys and girls. The petitioner has challenged the tender notice on the ground that the tender notice does not mention that preference would be given to the Adiwasi Purush Bachat Gat, Adiwasi Mahila Bachat Gat and the other categories to which a preference is liable to be given, as per the Government Resolution, dated 4.3.2014.

Shri Dhore, the learned Counsel for the respondent no.5 raises a preliminary objection to the tenability of the writ petition. It is stated that the petitioner has participated in the

tender process and the petitioner, therefore, cannot be permitted to turn around and challenge the same after participation. The learned Counsel has relied on the judgments of the Hon'ble Supreme Court, reported in *(2009) 3 SCC 227*, *(2011) 1 SCC 150* and *(1997) 4 SCC 426* in this regard.

By upholding the preliminary objection raised on behalf of the respondent no.5, we decline to entertain the writ petition.

The writ petition is dismissed with no order as to costs.

JUDGE

JUDGE

Wadkar