

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 6737/2016

(Sharda Mahila Bachat Gat vs. Commissioner of Tribal Development & others)

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

Court's or Judge's order

Mr. M.V. Mohokar, Advocate for the petitioner

Mr. A.S. Fulzele, Addl. Government Pleader for respondents 1 & 2

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

DATED : 30th November, 2016.

Heard.

By this Writ Petition, the petitioner challenges the order of the respondent no.1-Commissioner for Tribal Development, dated 26.10.2016, awarding the contract for running the Mess in an Adiwasi School to the respondent no.3.

The petitioner was awarded the contract for running the Mess for the Adiwasi School for the year 2014-15. According to the petitioner, since an advertisement was not issued in the next year, the petitioner continued to run the Mess for the Adiwasi School in the year 2015-16. In the month of June 2016, the respondent no.2 floated a tender inviting applications from interested parties, for running the Mess. According to the petitioner, the petitioner did not apply in pursuance of the said tender notice, in view of Condition No.12 in the tender notice which required the submission of a solvency certificate to the tune of Rs. 20 lakhs. The respondent no.3 participated in the

tender process and the contract is awarded in favour of the respondent no.3 by the impugned order dated 26.10.2016. The petitioner has challenged the said order in the instant petition.

Shri Mohokar, the learned counsel for the petitioner submitted that since the petitioner was permitted to run the Mess of the Ashram School even after the completion of the contract in the year year 2015 till date, the petitioner should be permitted to run the Mess at least till March 2017. It is stated that if the petitioner is not permitted to run the Mess till March 2017, great loss would be caused to the petitioner.

We are not inclined to grant the relief claimed by the petitioner in the instant petition. The petitioner did not apply in pursuance of the advertisement on the ground that the petitioner was not in a position to submit the solvency certificate to the tune of Rs. 20 lakhs. The petitioner has not challenged the tender notice or condition No.12 therein. After the contract is awarded to the respondent no.3, the petitioner has approached this Court with a limited prayer to permit the petitioner to run the Mess till March 2017. We do not find any right, whatsoever, in the petitioner to seek the continuation of the contract in favour of the petitioner, more so when the contract expired in the year 2015. In the circumstances of the case, the Writ Petition is liable to be dismissed.

Hence, we dismiss the Writ Petition, with no order as to costs.

JUDGE

JUDGE