

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT**

**WRIT PETITION No.24599 of 2016**

**ORDER:**

Vide the present petition, the petitioners seek permission to participate in e-tender notice, dated 16.07.2016, published in Namasthe Telangana local edition, dated 20.07.2016, inviting tenders for supply of eggs to Anganwadi Centres (20) ICDS projects in Mahaboobnagar District, without insisting for NECC certification.

Learned counsel appearing on behalf of the petitioners submits that earlier, in W.P.No.25672 of 2012, this Court passed an order as under:

“However, the Commissioner, Women Development and Child Welfare, issued a Circular Memo No.4001/J2/2012, dated 24.07.2012, under which it was specifically stated that local poultry farmers/suppliers including Village Organizations or Self- Help Groups (SHG) are to be encouraged without insisting for registration with NECC. It is represented by Smt. G.M. Sunitha, learned Assistant Government Pleader that fresh tenders will be called for in all the cases in accordance with the Circular Memo, dated 24.07.2012, which in effect and substance had removed the restrictions imposed by the earlier tender notices which are the subject of grievance in all the writ petitions. In view of the said statement by the learned Assistant Government Pleader, on instructions, nothing further remains to be adjudicated in these writ petitions as a fresh process of calling for tenders in terms of the Circular Memo, dated 24.07.2012, will be undertaken by the official respondents in respect of the supplies of eggs in question.

Accordingly, in view of the Circular Memo of the Commissioner, Women Development and Child Welfare, dated 24.07.2012, stating in Instruction No.2 that local poultry farmers/suppliers including Village Organizations or Self-Help Groups (SHG) are to be encouraged without insisting for registration with NECC and the consequential steps being taken by the official respondents to call for fresh tenders, the Writ Petitions are disposed of as no longer necessary. No costs.”

The petitioners herein earlier filed W.P.No.533 of 2015 challenging the tender schedule for supply of eggs for the year 2014-15. This Court, vide order dated 21.01.2015, directed

respondent No.2 herein to receive the tenders of the petitioners without insisting for registration of NECC. The said matter is still pending adjudication.

It is pertinent to mention that the aforesaid case is of Mahaboobnagar District. Respondent Nos.2 and 3 issued e-tender notification No.652/A/2016 dated 16.07.2016, whereby it was stated that "The farmers and connected Poultry Farmers who have certification from NECC alone are eligible to participate in the said tender."

Learned Government Pleader for Women and Child Welfare submits that, every District has to issue e-tender notification as per the guidelines of the State Government, wherein NECC certification is mandatory. Accordingly, the farmers and connected poultry farmers who have no certification from NECC are not eligible to participate in the said tender.

This attitude shows that respondent Nos.2 and 3 neither go through the orders passed by the Court nor understand the intricacy of the order. As noted above, this Court allowed W.P.No.25672 of 2012 by directing the concerned respondent therein not to insist for NECC certification. Moreover, W.P.No.533 of 2015 was filed by the petitioners, wherein this Court directed respondent No.2 not to insist on certification from NECC. Despite that, respondent No.2 issued e-tender notification dated 16.07.2016, whereby NECC certification was sought. It shows not only the carelessness and negligence on the part of respondent No.2, at the outset, compelled the petitioners to file Writ Petition which issue had already been decided in W.P.No.25672 of 2012. In W.P.No.533 of 2015 filed

by the petitioners, respondents were directed not to insist NECC certification and allowed the petitioners to participate in the tender.

In view of the above, I hereby allow the Writ Petition without asking for counter affidavit from the government for the reason that this issue is no more res integra as decided in W.P.No.25672 of 2012, wherein this Court already directed the respondents therein not to insist NECC certification. Four years passed, still one way or the other, respondent Nos.2 and 3 are issuing orders mechanically without application of mind, due to which, they are compelling the petitioners to approach the Court and, on the other hand, burdening the Court, which the respondents itself can take care of. In view of above discussion, the respondents are directed not to open the tenders today i.e. 29.07.2016. The respondents shall issue tender schedule within three days from today and, the petitioners shall participate within three days thereafter and, within three days thereafter, tender schedule shall be opened.

Learned counsel for the respondents shall intimate to the concerned respondent not to open tenders as the opening of tenders is fixed today i.e. 29.07.2016.

Accordingly, Writ Petition is allowed with costs of Rs.25,000/- (Rupees Twenty Five Thousand Only) which shall be paid by each of respondent Nos. 2 and 3 in favour of the Bar Association, Guntur, Andhra Pradesh, within two weeks. Miscellaneous Petition pending, if any, shall also stand disposed of. However, in the circumstances, with costs as directed above.

**SURESH KUMAR KAIT, J**

Dt:29.07.2016

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