

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO.3739 OF 2017

(Nishant Sushikshit Berozgar Bahuuddeshiya Sewa Sahakari Sanstha .vs.. The Commissioner of Tribal Development, Nashik and another)

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

Court's or Judge's orders

Shri R.R.Vyas, Advocate for the petitioner,
Shri A.V. Palshikar, AGP for the respondents.

**CORAM : B.P. DHARMADHIKARI AND
ROHIT B. DEO, JJ.**

DATED : 27-06-2017

Only contention is after first extension to a tender process, second extension was legitimately expected, that has not been done and a fresh tender has been invited. The petitioner could not participate in it.

Learned Assistant Government Pleader has invited our attention to fact that fresh tender was invited in adherence to e-auction policy publicly.

Public invitation of second tender is not in dispute. We, therefore, wanted to find out what is the prejudice suffered by the petitioner. Learned Advocate for the petitioner states that as the petitioner was expecting second extension, he could not participate in fresh e-tender process.

Thus the petitioner is not in a position to point out any alteration in e-tender conditions to his prejudice. The State Government could have always cancelled earlier process without assigning any reason.

In the situation, taking overall view of the matter, we find that no legal right of petitioner is violated.

At this stage, learned Advocate Shri Vyas points out that total nine persons have participated in fresh tender process, however, work order in pursuance thereof will be released only in August 2017 and tender process is still incomplete. He, therefore, seeks leave to participate in it.

This grievance made by the petitioner does not figure as part of the present petition. We, therefore, keep it open and permit petitioner to take such other steps as are available in law.

The petition is accordingly dismissed. No costs.

JUDGE

JUDGE

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