

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE DR JUSTICE SHAMEEM AKTHER

Writ Appeal No.597 of 2017

JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

This appeal, under Clause 15 of the Letters Patent, is preferred against an interlocutory order passed by the Learned Single Judge closing the W.P.M.P on the ground that the appellant-writ petitioner had already participated and submitted their bid and, consequently, the relief sought for in the W.P.M.P. had become infructuous.

The writ petition was filed questioning the tender notification dated 10.04.2017 for supply of labour for six works in the respondent-Temple. The appellant-writ petitioner also submitted their tender, and the said tender has not yet been opened. They have now invoked the jurisdiction of this Court contending that 15% of the entire work should be reserved in favour of persons belonging to the Scheduled Castes or Societies whose members belong to the Scheduled Castes.

Reliance is placed on G.O.Ms.No.393 dated 05.09.1990. The said G.O was issued by the Irrigation Department for irrigation works. While the said G.O would not automatically apply to works relating to religious endowments, as each endowment is an entity distinct from the Government, the question whether reservation should be provided or not is, undoubtedly, a matter which requires examination. Suffice it, therefore, to make it clear that finalisation of the tender shall be subject to the result of the writ petition.

The Writ Appeal is disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(DR. SHAMEEM AKTHER, J)

28th April, 2017
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Date: 28.04.2017

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