

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 14455 of 2017

Date of Decision: 7.7.2017

Mehul Bansal

....Petitioner.

Versus

State of Punjab and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE AMIT RAWAL.**

PRESENT: Mr. Berjeshwar Singh Jaswal, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the process of allotment of tenders dated 16.6.2017/20.6.2017 (Annexures P-1 and P-2, respectively) in favour of respondent No.4. Further, a writ of mandamus has been sought directing respondents No.1 to 3 to consider the tender of the petitioner for the allotment of contract for carriage of foodgrain for Mid-Day meal. Also a writ of prohibition has been prayed for not to deprive the petitioner for allotment of work on account of inability/blacklisting of his maternal uncle, namely, Rajesh Kumar, vide order dated 29.12.2011 (Annexure P-4) in view of the policy dated 3.12.2014 (Annexure P-5).

2. Respondent No.3 vide tender notice dated 16.6.2017 (Annexure P-1) advertised for appointment of contractors for supply of food grains under Mid Day Meal Scheme to the schools for the period 2017-18. The tender notice was republished on 20.6.2017 (Annexure P-2). In response thereto, the petitioner applied for the allotment of contract for carriage of food grain for Mid Day Meal and deposited a requisite fee of ₹ 3000/- vide

receipt dated 20.6.2017 (Annexure P-3). However, the bid of the petitioner was declined on account of blacklisting of his maternal uncle vide order dated 29.12.2011 (Annexure P-4) in view of the policy dated 3.12.2014 (Annexure P-5). Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that the petitioner shall make a detailed and comprehensive representation before the appropriate authority by incorporating the grievance as raised in the present writ petition. He, however, prays that a direction be issued to the authority concerned to decide the representation expeditiously in a time bound manner in accordance with law.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by granting liberty to the petitioner to file a detailed and comprehensive representation raising all the pleas as raised in the present writ petition before respondent No.3 within a period of one week from the date of receipt of certified copy of the order. It is directed that in the event of a representation being filed by the petitioner, the same shall be decided by respondent No.3 in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner and respondent No.4 within two weeks from the date of receipt of representation.

(AJAY KUMAR MITTAL)
JUDGE

July 7, 2017
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(AMIT RAWAL)
JUDGE

Whether Speaking/Reasoned
Whether Reportable

Yes
No