

CWP No.9565 of 2017

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP No.9565 of 2017
Date of decision:01.09.2017**

Rachhpal Singh

... Petitioner

Vs.

State of Punjab and others

... Respondents

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

Present:- Mr. Harparteek S. Sandhu, Advocate
for the petitioner.

Mr. I.P.S.Doabia, Addl.A.G.Punjab.

Mr. Tarun Seth, Advocate, for
Mr. Sumit Jain, Advocate
for respondent No.6.

Mr. Sherry K. Singla, Advocate
for respondents No.8 and 9.

AJAY KUMAR MITTAL J. (ORAL)

1. In this writ 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 order communicated to him, vide memo dated 10.04.2017 (Annexure P-13) issued by respondent No.3, whereby the technical bid of the petitioner has been rejected.

2. Learned State counsel on instructions from Mr. Manjit Singh, District Controller, Food, Civil Supplies and Consumer Affairs, Sangrur states that the impugned order dated 10.04.2017 (Annexure P-13) has been

withdrawn.

3. In view of the above, it was not disputed by learned counsel for the parties that present writ petition has become infructuous.

4. Ordered accordingly. Further prayer was made by learned counsel for the petitioner that once order dated 10.04.2017 (Annexure P-13) was withdrawn, the contract be awarded to the petitioner. We do not find any substance in the said contention. It is not for this Court to evaluate eligibility and merits & demerits of various applicants for allotment of tender under Articles 226 and 227 of the Constitution of India. It is clarified that it is within the domain of the respondents which is open to judicial review where the action is actuated with malafide. Accordingly, the said prayer cannot be accepted. However, liberty is granted to the petitioner to take recourse to the remedies as may be available to him, in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(AMIT RAWAL)
JUDGE

September 01, 2017
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No