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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3520 of 2017**

Sensa Core Medical Instrumentation Private Limited, Registered Address Plot No. 3, Export Promotion Industrial Park, Pashamylaram, District Sangareddy (Andhra Pradesh) Pin Code 502307 Through Its Director, M. Nagaraju, Son Of Late Shri M. Subbarayadu, Aged About 54 Years, R/o Flat No. 202, Ruby Block, Udaya Polygon, Reddy Colony, Chandranagar, District Hyderabad, Telangana, Pin Code 500050, Authorised Signatory, Aakash Mishra.

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through Principal Secretary, Department Of Health And Family Welfare, Govt. Of Chhattisgarh, Mantralaya, Mahanadi Bhawan, Naya Raipur, Chhattisgarh. Pin Code 492 002
2. Managing Director, Chhattisgarh Medical Services Corporation Limited, C. G. M. S. C. , 3rd Floor, Govind Sarang Vyavasayik Parisar, New Rajendra Nagar, District Raipur, Chhattisgarh. Pin Code 492001,
3. Chhattisgarh Infotech Promotion Society C. H. I. P. S. , Through Its Chief Executive Officer, 3rd Floor, State Data Centre Building, Opposite New Circuit House, Civil Lines, District Raipur, Chhattisgarh. Pin Code 492001

---- **Respondents.**

For Petitioner : Shri K. Rohan, Advocate
 For State : Shri Prafull Bharat, Additional Advocate General
 For Resp. No.2 Shri CJK Rao, Advocate

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice**Hon'ble Shri Sharad Kumar Gupta, Judge****Judgment On Board**

Per Thottathil B. Radhakrishnan, Chief Justice

27/02/2018

1. Heard learned counsel for the petitioner, the learned Additional Advocate General and the learned counsel for the second respondent—Chhattisgarh Medical Services Corporation Limited.
2. To satisfy the requirements of the first respondent-State, the second respondent invited offers from eligible participants to supply Electrolyte Analyser. The fundamental issue that arises for decision in this matter is as to whether the petitioner has the requisite certificate US-FDA Certification which will make the petitioner eligible for consideration.
3. As of now, the second respondent has placed on record a communication in response to the query by this Court requiring it to state whether the petitioner was required to possess US-FDA Certification. The requirement is that the second respondent was to respond on the basis of need of the first respondent.
4. Along with covering memo dated 23/02/2018, the Director of Health Services has placed before this Court the views of the Deputy Director, SPO NCD Directorate of Health Services stating that the specification required is FDA/CE/BIS and UL/ISO - 13485, ISO 9001. It is not now in dispute that the petitioner satisfies such prescription as qualification. It means that the petitioner is also eligible to be considered. Respondents No. 1 & 2 do not have not any dispute on this issue.
5. In the result this writ petition is ordered directing that the

petitioner's bid will also be considered and the petitioner shall be treated as an eligible bidder to the extent stated in this judgment.

Writ petition is ordered accordingly.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge

Kamde