

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.18368 OF 2018

O R D E R :

This Writ Petition is filed seeking the following relief;

“.....to issue writ of *Mandamus* or any other appropriate writ, order or orders, direction or directions to declare the action of the 1st respondent in directing the 2nd respondent to place order on the 3rd respondent for supply of shoes, socks and belts to B.C.Residential Schools relying on the G.O.Ms.No.1, dated 03.01.2015, Industries & Commerce (FP & MSME) Department by-passing the supplier like the petitioner as arbitrary, illegal and unconstitutional and to issue a consequential direction to the 2nd respondent to procure the items like shoes, socks and belts from the petitioner at the rates at which it supplied during the year 2015 to 2017 including offered discount, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Learned counsel for the petitioner submits that for the years 2015-2016 and 2016-2017, the petitioner supplied the subject items i.e. shoes, socks and belts to the students studying in the residential schools run by the State Government for Backward Classes; and that for the present year 2017-2018, also petitioner offered lowest price for the subject items, but the 1st respondent without considering the request of the petitioner has directed the 2nd respondent to place order on the 3rd respondent for supply of the subject

items. He also submits that the 3rd respondent has no manufacturing facilities and it has to procure the subject material from the third parties. He further submits that though petitioner is offering less price than the 3rd respondent and also ready to supply branded quality as supplied by him for the years 2015-2016 and 2016-2017, the 2nd respondent placed order to the 3rd respondent.

Heard Sri N.Bhupal Reddy, learned counsel for the 2nd respondent, who submits that basing on the Government orders they are procuring the subject items; and that the petitioner has no legal right for seeking direction to the respondents to place order on the petitioner instead of 3rd respondent.

Heard learned Assistant Government Pleader for the 1st respondent.

It is to be seen that admittedly, no tender notification was issued by the 1st respondent and it is not the case of the petitioner that he participated in pursuance to the tender notification issued by the 1st respondent. It is for the 1st and 2nd respondents to procure the items. If the 1st and 2nd respondents procure the items from the open market, then they are bound to issue tender notification and select the persons who offer lesser price. But, they are procuring the

items from the 3rd respondent which is also instrumentality of the state.

In view of the aforesaid facts and circumstances, the petitioner has no legal right for seeking direction to the respondents and more so no legal rights of the petitioner are violated. Hence, the writ petition is misconceived and accordingly it is dismissed. No order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

05.06.2018
t k.

A.RAJASHEKER REDDY, J

