

**HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**WRIT PETITION No.18526 of 2018**

**ORDER:**

This Writ Petition is filed assailing the orders passed by the 1<sup>st</sup> respondent in File No.274/MGU/NLG/2018-19/83, dated 25.04.2018 in approving the 3<sup>rd</sup> respondent for supply of man power in pursuance to University Tender Notice No.11/MGU/NLG/2017-18 dated 03.02.2018, even though the 3<sup>rd</sup> respondent was convicted in CC No.119/2016 by judgment dated 04.01.2018 on the file of the Court of Judicial First Class Magistrate (Special Mobile Court), as the same is in violation of guidelines provided under G.O.Rt.No.4271 Finance (SMPC) Department, dated 01.11.2008.

Heard learned counsel for the petitioner and Sri Naseeb Afshan, learned Standing Counsel for the 1<sup>st</sup> respondent University and learned Assistant Government Pleader for Labour.

Learned counsel for the petitioner while reiterating the averments in the affidavit filed in support of the writ petition, submits that the 1<sup>st</sup> respondent has not followed the procedure envisaged in G.O.Rt.No.4271, dated 01.11.2008 by constituting a committee for selection of the Agency. He further submits that selection of outsourcing agency has to be finalized by the District Level Committee as per the guidelines issued by the Government vide G.O.Rt.No.4271. He submits that conviction in a criminal case is bar for allotment of work to 3<sup>rd</sup> respondent.

A perusal of para 12 of terms and conditions of the tenders in Notification dated 03.02.2018 reads as follows:

“12. The Personnel deployed in the Department will be required to handle important assignments. Professional competence will not be compromised. For this reason, selection of the Agency will be made purely on past reputation, dependability and credibility. Merely quoting lowest rates will not make any Agency on automatic choice for selection. The decision of the Committee in selection of the Agency will be final.”

Learned Standing Counsel for 1<sup>st</sup> respondent as well as learned Assistant Government Pleader for Labour submits that G.O.Rt.No.4271 Finance (SMPC) Department dated 01.11.2018 provides for constitution of a Committee constituted under the head of District Collector applies only in respect of matters in Districts, but the 1<sup>st</sup> respondent being University, the said G.O.Rt No.4271 has no application and same is not applicable to the Universities. A perusal of clause 12 of the terms and conditions in Notification does not show that the person convicted is not disqualified for award of contract. Moreover, it is not known whether the said conviction is suspended or otherwise and there is no specific bar and that basing on the said ground, the contract awarded to the 3<sup>rd</sup> respondent cannot be interdicted. A reading of the said G.O.Rt.No.4271 also goes to show that it applies only to government departments and no where it is stated that the same applies to Universities. That apart, learned counsel for the petitioner is not able to show that G.O.Rt.No.4271 dated 01.11.2008 is applicable to the 1<sup>st</sup> respondent.

A further perusal of G.O.Rt.No.4271 Finance (SMPC) Department, dated 01.11.2008 goes to show that it is issued for

selection of outsourcing agencies in respect of Departments of Secretariat and head of department in respect of Heads of Department and a committee headed by the Principal Secretary/Secretary to Government in respect of Heads of Department. In this case, admittedly, the 1<sup>st</sup> respondent is the University, as such, the G.O.Rt.No.4271 dated 01.11.2008 is not applicable to the facts of the case.

In view of the same, I do not see any merit in the Writ Petition and accordingly, the same is dismissed. No order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

12-07-2018  
kvs



**A.RAJASHEKER REDDY, J**

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