

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.19266 OF 2018

ORDER :

This Writ Petition is filed seeking writ of mandamus declaring the action of the 2nd respondent in awarding tender for providing services of super market in the shopping complex at IIIT, Rajiv Gandhi University of Technologies, R.K.Valley, Idupulapaya, Vempally Mandal, YSR District, Andhra Pradesh in favour of 3rd respondent though the petitioner is the highest bidder in the tender notice dated 02.01.2018 issued by the 2nd respondent as illegal, arbitrary and consequently to entrust the same to the petitioner.

Heard learned counsel for the petitioner and Smt. M.Vidyavathi, learned Standing Counsel for the 2nd respondent.

Smt. M.Vidyavathi, learned Standing Counsel for the 2nd respondent, on written instructions, submits that the petitioner does not fulfil the eligibility criteria, as contained in the Eligibility Criteria at 6.3 of Bid Document, as such, the 3rd respondent being lowest tenderer was called for and contract was awarded to her on condition that she also agreed at the rates quoted by the petitioner, who is L-1.

A perusal of the affidavit filed in support of the Writ Petition goes to show that the aspect of eligibility criteria is not mentioned in the affidavit. Clause 6.3 of Bid Document reads as follows:

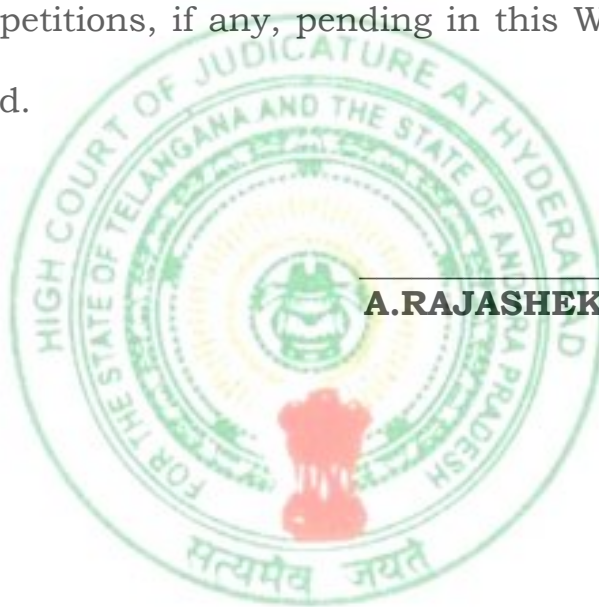
“The contractor shall have minimum experience of two (2) years in running super market widely known in the market. Documentary evidence in this regard should be enclosed.”

Since the petitioner does not satisfy the requisite eligibility criteria as mentioned in the subject tender notification, he cannot question granting of contract in favour of 3rd respondent. Moreover, he has not questioned the eligibility criteria mentioned in the Bid Document and the Writ Petition is silent on that aspect.

In view of above facts and circumstances, I do not see any reason to entertain the Writ Petition by exercising the power of judicial review under Article 226 of the Constitution of India and same is liable to be dismissed and accordingly dismissed.

There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in this Writ Petition, shall stand dismissed.

12-06-2018.
kvs



A.RAJASHEKER REDDY, J

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY



W.P.No.19266 of 2018

Date: 12.06.2018

kvs