

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.20904 OF 2018

ORDER:

This petition is filed for a writ of *Mandamus* declaring that the 'District Diet Management Committee of Chittoor'-6th respondent, alone is entitled to invite tenders for granting diet contract in the premises of the 3rd respondent institute/university as mandated under G.O.Ms.No.325, Health, Medical & Family Welfare (M1) Department, dated 01.11.2007, issued by the 1st respondent, exercising its powers under Section 35 of the Sri Venkateswara Institute of Medical Sciences University Act, 1995 and for a consequential direction to the 6th respondent to call for tenders for granting the said contract in the premises of the 3rd respondent university as expeditiously as possible.

Learned counsel for the petitioner states that petitioner was the successful bidder for supply of diet to the 3rd respondent institute in the year 2014; that as per G.O.Ms.No.325, dated 01.11.2011 issued by the 1st respondent, the 6th respondent alone is entitled to invite tenders for granting diet contract in the premises of the 3rd respondent institute/university, but till today the 6th respondent has not invited tenders either through online or through paper publication or any other mode for granting the diet contract; that since the petitioner has invested huge amounts he may be continued till fresh tenders are quoted; that petitioner is willing to participate in the tenders as and when the tenders are

called for by the 6th respondent; and that in the event of any other person succeeds in the tenders he will vacate the premises and remove all its material.

On the other hand Smt.P.Sarada, learned Standing Counsel for respondents 3 to 5 submits that the 3rd respondent is the competent authority to issue tenders but, not the 6th respondent. She also submits that the term of the petitioner is over in the month of October, 2017 itself; and that even the date of agreement is taken into consideration his term is over by June, 2018 as agreement is executed in the year 2015, and as such the petitioner has no legal right to continue. She further submits that till fresh tenders are issued and finalised respondents will be continuing with the present arrangement.

Recording the same, the writ petition is disposed of. However, the petitioner can also participate in the tenders to be called for by the 3rd respondent, if he is eligible. But, if the petitioner becomes unsuccessful bidder he has to vacate the premises by removing all his material as soon as tender process is finalised. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

04.07.2018
t k.