

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY
WRIT PETITON Nos 21252 And 21356 of 2018

COMMON ORDER:

Since the grievance in both the writ petitions is one and the same, both the writ petitions are being disposed of by way of common order.

These writ petitions are filed with the following prayer:

“.... to issue a Writ of Mandamus or any other appropriate writ, order or Direction more particularly one in the nature of Writ of Mandamus, to declare the illegal action of the respondents herein, particularly 2nd respondent to 5th respondents herein, not awarding the catering contract service in favour of petitioner, inspite of petitioner was stood as L1, in respect of catering service, under control of 5th respondent hostel, and the same as been illegal, arbitrary and unjust, and also misuse of official powers, and its violation of Article 19, 21 of Constitution of India, and consequently direct the respondents herein, forthwith award the catering contract service, in-respect of 5th respondent hostel, whoever stood as L-1, and to pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.”

Counter affidavit is filed by the 5th respondent in both the writ petitions stating that along with tender form, the petitioner has not submitted EMD of Rs.50,000/- in both the writ petitions as specified in the conditions of the tender notification. But learned counsel for the petitioner basing on the averments in the writ affidavits submits that as EMD for Rs.50,000/- filed with tender of previous year was lying with the 5th respondent-institution and the Principal of the 5th respondent-institution accepted the tender forms of the petitioner, the petitioner has not enclosed the EMDs again.

But the tender-committee has not considered the said aspect. The conditions in the tender notification specifies interested persons are required to submit tender form along with EMD for Rs.50,000/-. The only ground on which the tenders of the petitioner was not accepted is non-enclosing of EMDs for Rs.50,000/- as specified in the conditions of tender notification. A reading of the tender conditions goes to show that EMD amount of Rs.50,000/- should be paid in favour of the Principal, MJPTBCWR School concerned along with tender schedule . Admittedly, the petitioner has not submitted the EMDs for whatever the reason it may be. Basing on the conditions specified in the tender notification, the tenders of the petitioner was rejected. In view of the same, this Court is not inclined to entertain the writ petition.

Having regard to the above, I do not see any merit in the writ petitions and the same are accordingly dismissed. As a sequel to the disposal of these petitions, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

07-08-2018
Nvl



