

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3102 of 2019**

1. Jhariya Tours and Travels Through its Proprietor Smt. Sheela Jhariya, W/o Shri Murli Prasad Jhariya, Aged about 41 years, R/o Ram Nagar Ward, Kawardha, District Kabirdham (CG)

---- Petitioner**Versus**

1. State of Chhattisgarh, Through its Secretary, Department of Health & Family Welfare, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur (CG)
2. Mission Director, National Rural Health Mission, Having its Office At Sector - 27, Atal Nagar Naya Raipur, District Raipur (CG)
3. Collector District Kabirdham (CG)
4. Chief Medical & Health Officer District Kabirdham (CG)
5. District Program Manager, National Rural Health Mission, Kabirdham, District Kabirdham (CG)
6. Gopal Tours & Travels, Pondi, Post Office - Pondi, Tehsil - Bodla, District Kabirdham (CG)

---- Respondents

For Petitioner	:	Shri Prasun K Bhaduri, Advocate
For Respondent No.1, 3,4	:	Shri S. Agrawal, Dy. Adv. General
For Respondent No.2 & 5	:	Shri CJK Rao, Advocate
For Respondent No.6	:	Shri Ganesh R Burman, Advocate

Hon'ble Shri P. R. Ramchandra Menon, CJ
Hon'ble Shri Parth Prateem Sahu, J

Order On Board**Per P.R. Ramchandra Menon, CJ:****18/10/2019**

1. The petitioner has moved to this Court with the following prayers:-

“10.1. That, this Hon'ble Court may graciously be pleased to issue appropriate writ, order, direction setting aside/quashing the following-

A. Newspaper advertisement with respect to Kramank/Nivida Kray/NHM/2019/4378 Kabirdham, date 03AUG 2019 Second Notice Inviting Tender published on 15.08.2019 (Annexure P/1)

B. Tender Conditions Kramank/Nivida Kray/NHM/2019/4381 Kabirdham, date 05 AUG 2019 (Annexure P/2)

10.2. That, this Hon'ble Court may graciously be pleased to issue appropriate writ, order, direction thereby directing the respondents to pay appropriate and adequate costs of the litigation to the petitioner.

10.3 Any other relief as this Hon'ble Court may deem fit in the facts and circumstances of the case.”

2. Grievance is mainly with regard to the finalization of tender by respondent Nos.2 & 4, virtually with intent to award the tender to the 6th respondent herein to the exclusion of the petitioner and hence the challenge on various grounds.
3. Return has been filed on behalf of respondents No.2 & 5.
4. We have heard learned counsel for the parties as well.
5. During the course of hearing, it is brought to the notice of the Court by learned counsel representing respondents No.2 & 5 that the tender was floated and the proceedings were pursued by respondent No.4 at the instance of respondent No.2. During the course of the said proceedings, certain norms were relaxed with the consent of all the parties who participated in the bid and tender was awarded to the 6th respondent. But on taking note of the facts and figures, the 2nd respondent held that the course pursued was not correct and accordingly ordered for re-tendering. Since the second respondent No.2 has decided to invite fresh tenders, it will be open for all the eligible parties to apply for and participate in the

fresh tender process.

6. In view of subsequent developments, learned counsel for the petitioner seeks for permission to withdraw the writ petition, without prejudice to rights and liabilities of the petitioner, to participate in the tender process in furtherance to the tender to be notified fresh.
7. Permission is granted. Writ petition stands dismissed as withdrawn.
8. In the above circumstances, it is made clear that the work order, stated as issued in favour of the 6th respondent will be of no consequence. It will be open for the petitioner, 6th respondent and other eligible parties to participate in the tender process pursuant to fresh tender to be notified by the authorities as above.

Sd/-
(P.R. Ramchandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-