

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 14003 OF 2018

Lokmanya Hospital Medical Stores **... Petitioner**

V/s.

The State of Maharashtra & Ors. **... Respondents**

Mr. Mahendra Deshmukh for the Petitioner.
Ms. S.D. Vyas, 'B' Panel Counsel for the Respondent No.1.

**CORAM : AKIL KURESHI, &
S.J.KATHAWALLA, JJ.
DATE : 30th JULY, 2019**

P.C.:

1. The Petitioner had participated in a tender process initiated by the Maharashtra State Road Transport Corporation for the purpose of appointing an agency for operating outlet under Pradhan Mantri Bhartiya Janaushadhi Pariyojana in MSRTC premises.
2. Admitted facts are that the Petitioner was disqualified at technical stage. The tender process proceeded further and the Authorities considered the technically qualified tenderers. Learned Counsel for the Petitioner stated that by now the tender is already awarded in favour of Respondent No.3.

3. In the present petition, the Petitioner has not challenged his disqualification at a technical stage. The main prayer of the Petitioner, however is to hold Respondent Nos.3 and 4 disqualified and thereafter, to start the tender process afresh.

4. In our opinion, this petition is not maintainable. Once, the Petitioner was declared disqualified at the technical stage, which decision petitioner does not question, his locus standi to participate or to question the legality of the further tender process would come to an end. If the Petitioner desires his continued participation or even request for the fresh tender process, he has to establish that his disqualification was bad in law. When the Petitioner is not challenging the very basic disqualification, his grievance about the qualification of Respondent Nos. 3 and 4 would be in nature of public interest and in other words his challenge would be lacking in locus standi.

5. Under these circumstances, Writ Petition is dismissed.

(S. J. KATHAWALLA, J.)

(AKIL KURESHI, J.)