

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.2469 OF 2019
(Poor People's Welfare Society vs. The Union of India and others)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Shri S.P. Bhandarkar, Advocate for petitioner.
Shri U. Aurangabadkar, Assistant Solicitor General of
India for respondent no.1.
Ms. N.P. Mehta, Assistant Government Pleader for
respondent nos.2 and 3.

CORAM : R.K. DESHPANDE AND
S.M. MODAK, JJ.

DATED : MARCH 26, 2019

The challenge is to the notice inviting tenders for opening of Generic Medicine Shops prescribing the following conditions :

“4. The applicants/bidders should have minimum 3 years qualifications and 3 years experience in selling of medicine and the Agency should attach experience certificate showing required experience to run medicine shop/clinic/hospital/medicine manufacturing.

5. They should have minimum annual turnover of Rs.20 lakhs.

12. Eligible and selected agency must start the generic medicine shop within 15 days from the allotted date within the hospital. Said shop must be run by the selected agency.”

According to Shri Bhandarkar, learned Counsel for petitioner, the tenders are invited under the scheme sponsored by the Central Government and the State Government and the Director of Medical Education and Research are the nodal Agencies to implement the scheme of the Central Government. According to him, nodal Agencies have no authority to impose such conditions.

We do not find any substance in the challenge raised for the reason that nodal Agencies have to show transparency in the allotment of Generic Medicine Shops under the scheme of the Central Government and the authority to impose conditions is implicit in it. The conditions imposed cannot be subject matter of scrutiny under Article 226 of the Constitution of India unless there is violation of fundamental rights.

Shri Bhandarkar, learned Counsel for petitioner, has made several submissions, which we do not find to be relevant and hence, we need not consider the same.

There is no substance in the petition and hence, the same is dismissed.

JUDGE

JUDGE

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