

In the High Court of Judicature at Madras

Dated : 25.2.2019

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

and

The Honourable Mrs.Justice V.BHAVANI SUBBAROYAN

WA.No.602 of 2019 & CMP.No.4954 of 2019

G.Navaneitham

Appellant

Vs

1.The Government of Tamil Nadu,
rep.by its Secretary, Social
Welfare & Nutritious Meal
Department, Chennai-9.

2.The Director-cum-Mission Director,
Integrated Child Development
Services Scheme, Pammal
Nallathambi Road, Periyar Nagar,
Chennai-113.

....Respondents

APPEAL under Clause 15 of the Letters Patent against the
order dated 20.2.2019 in W.P.No.4874 of 2019.

WP.No. 4874 of 2019: Writ Petitions filed under Article 226 of
the Constitution of India praying to issue a Writ of
Certiorarified mandamus to call for the records pertaining to
impugned tender notification contained in ROC.NO 1044/NC1(2)/
2019 dated 1-2-2019 issued by the second respondent and quash
the same by Issuing a Writ of Certionafied Mandamus and
consequently direct the 2nd respondent to float a fresh tender
with liberalized condition by considering the qualification of
the petitioner in order to allow the petitioner to participate
in the tender.

For Appellant : Mr.R.Bhagawat Krishna
For Respondents : Mr.R.P.Prathap Singh, GA

Judgment was delivered by T.S.SIVAGNANAM, J

We have heard Mr.R.Bhagawat Krishna, learned counsel for
the appellant and Mr.R.P.Prathap Singh, learned Government
Advocate accepting notice for the respondents.

2. This appeal is directed against the order passed by the

learned Single Judge dated 20.2.2019 in W.P.No.4874 of 2019.

3. The appellant filed the said writ petition challenging the tender notification dated 01.2.2019 and in particular Clause 11.2(a)(1), which reads as follows :

"The bidder should have experience in manufacture and sale of similar blend of critical processed materials or children food in powder form containing ragi malt to any Government scheme for minimum three years and should have supplied the same at least for a value of Rs.20 Crore during each of the last three completed financial years."

4. The tender condition stipulates that the bidder should have experience in manufacture and sale of similar blend of critical processed materials or children food in powder form containing ragi malt to any Government scheme for minimum three years and should have supplied the same at least for a value of Rs.20 Crore during each of the last three completed financial years.

5. The appellant's contention is that only persons having similar experience in manufacture and supply of children food containing ragi malt can participate in the tender and that the persons like the petitioner, who have rich experience in manufacture and supply of other food articles, were prevented from participating in the tender. Further, the condition insisting upon three year experience in similar line of activity is arbitrary.

6. Unfortunately, in the affidavit filed in support of the said writ petition nor before us, the appellant has not disclosed his credentials. It is not clear as to whether he is a manufacturer or trader. That apart, as rightly held by the learned Single Judge, the appellant cannot challenge the tender condition on the grounds raised by him and more particularly when it is the Tender Inviting Authority, who has jurisdiction to stipulate the tender condition. Nothing has been brought before us to show that the tender condition is either arbitrary or unreasonable. We are of the considered view that the appellant has not made out any case for interference.

7. Accordingly, the above writ appeal is dismissed. No costs. Consequently, the above CMP is also dismissed.

Sd/-

Assistant Registrar (CS-I)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government of Tamil Nadu,
Social Welfare & Nutritious
Meal Department, Chennai-9.

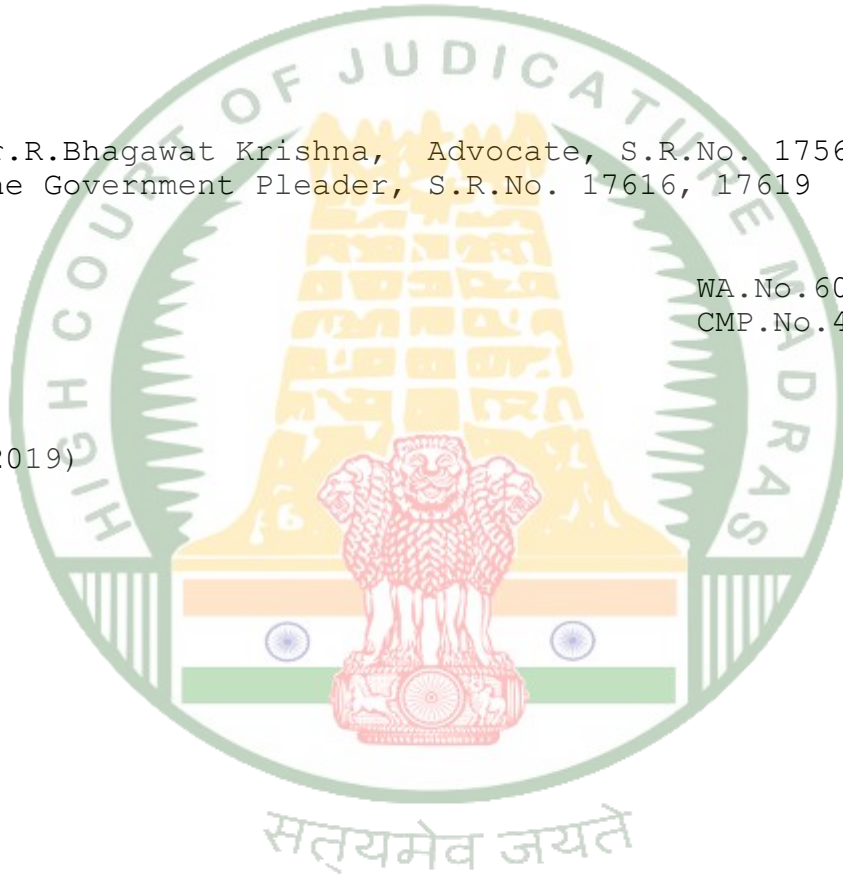
2.The Director-cum-Mission Director,
Integrated Child Development
Services Scheme, Pammal Nallathambi Road,
Periyar Nagar, Chennai-113.

RS

+1cc to Mr.R.Bhagawat Krishna, Advocate, S.R.No. 17566
+2cc to the Government Pleader, S.R.No. 17616, 17619

WA.No.602 of 2019 &
CMP.No.4954 of 2019

AD(CO)
GN(28/02/2019)



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