

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

WRIT PETITION No.7004/2019

Mahila Arthik Vikas Bachat Gut through its President Smt. Karuna w/o Krishnarao Chimankar.
 Vs.

The State of Maharashtra through its Secretary, Women and Child Development Department and
 anr.

*Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.*

Court's or Judge's Orders

 Shri Amol Mardikar, Advocate for petitioner.
 Ms. N.Mehta, Assistant Government Pleader for respondents.

**CORAM : R.K.DESHPANDE and
 A.S.CHANDURKAR, JJ.**

DATE : 16.01.2020

The challenge in this petition is to the tender notice in respect of condition no.8 which requires the bidder to have average balance amount of Rs.Twenty Five thousand in the account in the preceding year. The contention is that the said condition is arbitrary particularly when the petitioner has been performing the same job since 2008 and there were no complaints in respect of the service provided by the petitioner. It is an offer made by the petitioner that an amount of Rs.Twenty Five thousand can be deposited in the account to show the bonafides.

It is not possible for us to direct the respondents to consider the offer of the petitioner to deposit an amount of Rs.Twenty Five thousand in the account for the reason that same would not satisfy the condition which relates to the maintenance of average balance amount of Rs.Twenty five thousand in the account during the last preceding year. The object is to judge the

capacity of the persons. The imposition of the condition in tender is prerogative of the employer and unless the condition is shown to be absolutely arbitrary or irrational, no interference can be made under Article 226 of the Constitution of India.

We do not find anything arbitrary in imposition of such condition. The writ petition is, therefore, dismissed with no orders as to costs.

JUDGE

JUDGE

Andurkar..