



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE **D. KRISHNAKUMAR**

W.P(MD)No.6849 of 2020 and

WMP(MD).Nos.6254 and 6255 of 2020

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M. Sulthana Laila

...Petitioner

Vs.

1. The Divisional Railway Manager (Commercial)
Southern Railway Division,
Tiruchirapalli.

2.The Senior Divisional Commercial Manager,
Southern Railway Division,
Divisional Office,
Commercial Branch,
Tiruchirapalli.

3.The General Manager,
Head Quarters Office,
Southern Railway,
Park Town,
Chennai - 600 003.

4.The Secretary,
Railway Board,
Ministry of Railway,
Railway Bhavan,
New Delhi.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records relating to order dated 27.02.2020 in No.T/C. 79/Catering Tender / Minor Static units / 2018 of the second respondent herein and quash the same.

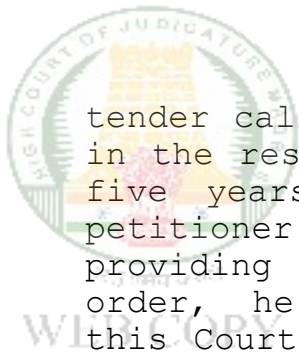
For Petitioner : Mr. AR.L. Sundaresan,
Senior Counsel for M/S.AL. Gandhimathi

For Respondents : Mr. S. Manohar,
Standing Counsel

ORDER

This writ petition has been filed to quash the impugned order passed by the second respondent, dated 27.02.2020, in No.T/C.79/Catering Tender/Minor Static units / 2018 .

2. According to the petitioner, he has participated in the



tender called for grant of licence for running three Catering Units in the respondents / Southern Railway Department for a period of five years. But, suddenly, the respondents have debarred the petitioner from participating in the tender process without providing an opportunity to the petitioner. Challenging the said order, he has filed a writ petition in W.P(MD).No.18047/2018 before this Court and this Court, by order dated 09.01.2020, allowed the said writ petitioner by setting aside the said impugned order and directed the respondents to conduct an enquiry and pass appropriate orders within a period of four weeks from the date of receipt of a copy of that order. But, again the respondents have rejected the claim of the petitioner. Hence, he has filed the present Writ Petition before this Court.

3. According to the learned Senior Counsel appearing for the petitioner, the petitioner has produced the genuineness certificate issued by the Winner Polytechnic College, Mulanur, Tiruppur District. But, the respondent has doubted the above said certificate. He further submitted that the petitioner also placed the relevant documents before the authority and also placed AICTE approval to prove the genuineness of the said certificate. But, without looking into the said documents the respondents simply rejected the claim of the petitioner. Therefore, the impugned order is liable to be quashed.

4 The learned Standing Counsel appearing for the respondents strongly objected to the contention of the petitioner that the respondent / Department, doubting the genuineness of the certificate, has rightly rejected the claim of the petitioner. He further submitted that the petitioner has filed an appeal before the Appellate Authority viz., the first respondent / Divisional Railway Manager (Commercial), Southern Railway Office, Tiruchirapalli. Therefore, all the materials and the submission of the petitioner shall be placed before the first respondent and then, the first respondent shall consider and pass appropriate orders.

5. In the light of the above submissions made by both parties, this Court deems it fit to pass the following order:

(i) The petitioner shall place all the relevant documents to the first respondent within a period of two weeks from the date of receipt of a copy of this order.

(ii) Thereafter, the first respondent viz., Divisional Railway Manager (Commercial), Southern Railway Office, Tiruchirapalli is directed to consider the appeal petition dated 03.03.2020 and to pass appropriate orders on the same on merits and in accordance with law, within a period of four weeks,



after providing an opportunity of personal hearing to the petitioner.

6. The Writ Petition is disposed of with the above terms. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar (ADII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

trp

Note:- In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

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KB(10.07.2020) 3P 5C

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