



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.09.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12699 of 2016

and

W.M.P.No.11089 of 2016

S.Ganesh Bose

...Petitioner

Vs

1.The Government of Tamilnadu,
Rep.by its Secretary, Health and Family
Welfare Department,
Fort St.George, Chennai - 9.

2.The Executive Engineer,
Public Works Department,
Building Maintenance-Medical works,
Chepauk, Chennai - 5.

3.The Director and Superintendent,
Government Royapettah Hospital,
Chennai - 14.

4.The Dean,
Government Stanely Medical College,
and Hospital, Chennai - 1.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India to issue of Writ of Certiorarified Mandamus, to call for entire records connected with the proceedings in Ka.No.Ka1/1478/2015 dated 02.09.2015 passed by the 2nd respondent and quash the same consequently direct the respondents to permit the petitioner to continue his kiosk in the premises of the 3rd or 4th respondents Hospital.

For Petitioner : Mr.N.Vijaya Baskar
For M/s.Law vision

For Respondents : Mr.K.M.D.Muhilan
Government Advocate



O R D E R

The impugned order dated 02.09.2015 passed by the 2nd respondent, rejecting the claim of the petitioner for grant of permission to run Tea stall in the Government Hospital is under challenge in the present writ petition.

2. The petitioner states that he is running a Canteen / NAESEY SNACK KIOSKS for vending snacks, Tea, Coffee, etc., at the premises of Government Hospitals, some of the Government offices. The petitioner states that he is running the Snacks shop in Royapettah Government Hospital. It is an admitted fact that the petitioner was previously running the Tea, Snacks Shop in the Royapettah Government Hospital and subsequently, vacated and petitioner was asked to submit a representation seeking permission.

3. The respondents filed a counter statement and categorically stating that the Government considered the frequent complaints in respect of the Canteen being run in Government Hospitals and institutions and formulated a policy for granting permission to these Snacks shops and Canteens in G.O.Ms.No.93, Health and Family Welfare (H2) Department dated 25.03.2015.

4. It is stated that G.O.Ms.No.93 dated 25.03.2015 is applicable to all the shops / Bunks inside the Hospital campus and is not exclusively to the Naesey KIOSKS alone as contended by the petitioner. As per the orders of the Government, the Aavin Parlor run by individual other than the Government organization are not permitted to run the same in Government Hospitals. So various guidelines are issued for the purpose of granting permission. This apart, the permission for functioning of a canteen in the Government Hospital campus is only for three years and the said permission is to be renewed at the end of each term. Therefore, there is no permanent permission or other licence for the purpose of running the canteen inside the hospitals. It is contended that repeated complaints received on the quality of food, hygiene etc., of these KIOSKS and in the wake of the untoward incident, which accord in Kaasthurbai Gandhi Hospital, the Government issued orders in G.O.Ms.No.93 dated 25.03.2015 in the larger interest of the public to provide hygienic, standard and lesser priced food to the patients, attendees etc., without putting at stake, the patients well being and with the intention of following the pattern adopted by the Indian Railways and only by open tenders.

5. Thus, it is contended that now the allotments are made based on the open tenders and the petitioner is also at liberty to participate in the tender at the time of issuing notification



by the competent authorities. This being the factum established, the Court cannot grant any such permission or allow a person to continue to run canteen in Government Hospitals. As per the Government order, the term for running the Canteen is for three years. Thereafter, open tenders are being conducted. Thus, the petitioner is at liberty to participate in the open tender, if any notified by the respondents for running Canteen / Snack shops etc.,

6. With this liberty, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary,
Health and Family Welfare Department,
Fort St.George, Chennai - 9.
- 2.The Executive Engineer,
Public Works Department,
Building Maintenance-Medical works,
Chepauk, Chennai - 5.
- 3.The Director and Superintendent,
Government Royapettah Hospital,
Chennai - 14.
- 4.The Dean,
Government Stanely Medical College,
and Hospital, Chennai - 1.

+1 cc to Government Pleader Sr.NO. 48602

A.SK(11.10.2021)

W.P.No.12699 of 2016