

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.2344 of 2021

and

WMP Nos.2655 & 2657 of 2021

P.Baskar, Male/ 62 years

S/o. K.Pachiappan

41/2, 1st Cross Street,

Nedumaran Nagar,

Dharmapuri, Dharmapuri District.

....Petitioner

Vs

1. The Superintending Engineer (H)

NABARD & Rural Roads Circle,

Salem - 1.

2. The Divisional Officer,
Highways (Quality Control)

Salem.

....Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the first respondent to accept the Plant Certificate dated 09.06.2020 issued by the second respondent for fulfilling the pre qualification prescribed in Annexure - I of the tender notice No.23/2020-2021/SDO/ Dated 04.01.2021 on the file of the first respondent.

For petitioner ... Mr.I.Abrar Md Abdullah

For Respondents ... Mr.M.Loganathan

Additional Government Pleader

ORDER

Heard Mr.I.Abrar Md Abdullah, learned counsel for the petitioner and Mr.M.Loganathan, learned Additional Government Pleader accepts notice on behalf of the respondents.

2. By consent of both the parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to accept the Plant Certificate dated 09.06.2020 issued by the second respondent for fulfilling the pre qualification prescribed in Annexure - I of the Tender notice No.23/2020-2021/SDO/ Dated 04.01.2021 on the file of the first respondent.

4. It is the case of the petitioner that since working condition certificate has not been issued by the second respondent, a direction may be given by this Court to the first respondent to accept the plant certificate, dated 09.06.2020 issued by the second respondent in lieu of the working condition certificate. In such circumstances, this writ petition has been filed.

5. Mr.M.Loganathan, learned Additional Government Pleader appearing for the respondents would submit that he has received written instructions from the respondents stating that the petitioner's premises will be inspected and working condition certificate will be issued on or before 08.02.2021, i.e., date of opening of the tender. For this submission, the learned counsel for the petitioner would submit that the working condition certificate will have to be submitted before 08.02.2021, as the date of opening of tender is fixed on 08.02.2021.

6. This Court finds force in the submission made by the learned counsel for the petitioner. After recording the undertaking given by the respondents through the Additional Government Pleader appearing for the respondents, this Court directs, the second respondent to issue the working condition certificate to the petitioner on or before 06.02.2021 to enable the petitioner to participate in the tender, as per the Tender Notice, dated 04.01.2021 issued by the first respondent.

7. With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

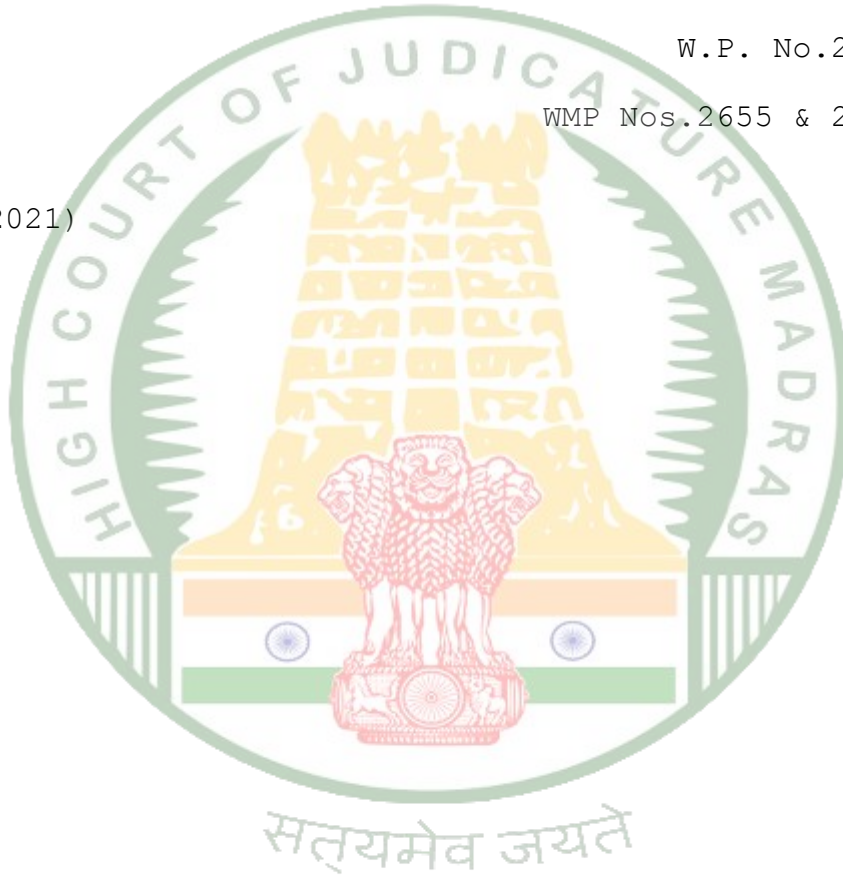
1. The Superintending Engineer (H)
NABARD & Rural Roads Circle,
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+1 CC to The Government Pleader sr 6293.

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JP(CO)
SP(08/02/2021)



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