



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.15046 of 2021

Rahumathullah (M/58),
S/o. Kamalutheen,
15/5/12, NondiKaattubava Lane,
Thiruppathur,
Sivagangai District.

... Petitioner

Vs.

1. Dean,
Government Medical College Hospital,
Ramanathapuram.

2. M.R.Kannan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing to the first respondent to consider the petitioner's tender for providing perishable food for the first respondent's hospital from 01.07.2021 to till 31.12.2021 by considering my representation dated 30.06.2021.

For Petitioner : Mr. P. Venkata Subramanian

For Respondents : Mr.R.Baskaran,
Counsel for State

ORDER

The petitioner seeks the consideration and disposal of his representation dated 30.06.2021 to the first respondent in relation to the tender submitted by him for a contract for the provision of perishable food products.

2. The petitioner states that he is a food supply contractor. The first respondent had floated a tender for the supply of perishable food products. The petitioner had submitted a bid by duly enclosing all relevant documents. Contrary to the petitioner's expectations, it is stated that the contract was awarded to the second respondent herein. The petitioner alleges that the successful



tenderer does not have a registration from the Food Safety and Standard Authority of India (FSSAI). In such circumstances, the petitioner submitted the representation and seeks the consideration thereof.

3. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of the first respondent. He submits that the representation may be directed to be considered and disposed of on merits.

4. In view of the fact that the contract has been awarded to the second respondent, ordinarily the petitioner should have challenged the award of the contract to the second respondent. The petitioner justifies the failure to challenge the award of contract to the second respondent on the ground that he does not have a copy of the relevant work order or contract. Nonetheless, in view of the fact that a Governmental body has floated the tender in relation to the procurement of products, it is just and necessary that such Governmental body acts in a transparent and non-discriminatory manner.

5. Accordingly, without going into the merits of the matter, the first respondent herein is directed to consider the petitioner's representation dated 30.06.2021 and dispose of the same by a reasoned order in accordance with law after providing a reasonable opportunity to the petitioner and the second respondent herein. Such reasoned order shall be issued within a period of two months from the date of receipt of a copy of this order.

6. W.P(MD).No.15046 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn/nsr

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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Dean,
Government Medical College Hospital,
Ramanathapuram.

+1 CC to M/s.GP (SR-27364[F] dated 26/08/2021)

W.P (MD) No.15046 of 2021
25.08.2021

dj (CO)
TR(02.09.2021) 3P 3C