



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.01.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD)No.15944 of 2020

and

W.M.P. (MD)Nos.13338 and 13339 of 2020

WEB COPY

Dharmar M.A

... Petitioner

Vs.

1.The Principal Secretary & Commissioner
of Revenue Administration,
Secretariat,
St. George Fort,
Chennai - 600 009.

2.The District Collector,
District Collector Office,
Thoothukudi,
Thoothukudi - 628 101.

3.The District Revenue Officer,
District Collector Office,
Thoothukudi,
Thoothukudi - 628 101.

4.The Director,
Nithin Group of Companies,
10/1, 3rd Mile, Thoothukudi,
Thoothukudi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 2nd respondent vide office proceedings in Na.Ka.A4/17916/2018 dated 23.10.2020 and quash the same as illegal and consequently direct the respondents Nos.1 to 3 to award contract works to the petitioner and permit the petitioner to continue his contract work within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.M.Rajaraman,
Additional Government Pleader
for R1 to R3.
No appearance for R4



ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3. The contesting respondent namely., the fourth respondent has been served and their name is printed in the cause list, fourth respondent has not chosen to enter appearance through counsel.

2.The respondent issued a tender notification for outsourcing the post of Night Watchman, Masalchi, Gardener and Sweeper. The petitioner as well as the fourth respondent took part in the tender process. It is seen that both the writ petitioner as well as the fourth respondent quoted the very same rate. However, instead of choosing between the petitioner and the fourth respondent by an objective method, the second respondent had chosen the fourth respondent and awarded the contract to him. Challenging the the same, this writ petition has been filed.

3.The learned counsel appearing for the petitioner points out that when the rate quoted both by the parties are one and the same, the tender inviting authority must adopt some objective method for finalizing the tenderer. In the case on hand, such an approach was not adopted. Instead, the counter filed by the second respondent makes it appear as if there are allegations against the petitioner and that is why, the petitioner was not chosen. If the petitioner was not qualified to take part in the tender process, then he should not have been permitted in the first instance. The petitioner cannot be taken by surprise by making the allegations in the counter affidavit. The approach adopted by the second respondent clearly is violative of Article 14 of Constitution of India.

4.In this view of the matter, the order impugned in this writ petition is quashed and the writ petition is allowed. The learned Additional Government Pleader appearing for the respondents 1 to 3 states that they would go for fresh tender process and that they would conclude the same within a period of eight weeks from the date of receipt of a copy of this order. Till then, status quo as on date can continue. No costs. Consequently, connected miscellaneous petitions are closed.

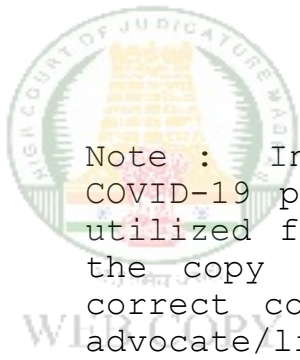
Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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

- 1.The Principal Secretary & Commissioner of Revenue Administration,
Secretariat,
St. George Fort,
Chennai - 600 009.
- 2.The District Collector,
District Collector Office,
Thoothukudi,
Thoothukudi - 628 101.
- 3.The District Revenue Officer,
District Collector Office,
Thoothukudi,
Thoothukudi - 628 101.

+1 CC to SPL GP (SR-1402[F] dated 20/01/2021)

+1 CC to Mr.R.KARUNANIDHI, Advocate (SR-1477[F] dated 20/01/2021)

**W.P (MD) No.15944 of 2020
19.01.2021**

VB (04.02.2021) 3P 6C