

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 9916 of 2022

*M/s. Famous Security Service,
BBSR*

.....

Petitioner

Mr. B. Biswal, Adv.

Vs.

State of Orissa and others

.....

*Opposite Parties
State Counsel*

CORAM:

**DR. JUSTICE B.R. SARANGI
MISS JUSTICE SAVITRI RATHO**

**ORDER
10.05.2022**

**Order No.
01.**

This matter is taken up through hybrid mode.

2. Heard Mr. B. Biswal, learned counsel for the petitioner.

3. The petitioner has filed this writ petition seeking to quash the order dated 31.03.2022 under Annexure-9, which has been passed by the Directorate of Animal Husbandry & Veterinary Services, Odisha in compliance of the order dated 10.02.2022 passed by this Court in W.P.(C) No. 3575 of 2022.

4. It is pointed out that a tender call notice was issued on 01.09.2021 inviting bids from reputed and experienced manpower service providers to provide the services of Data Entry Operator, Driver, Peon, Chowkidar in the Office of CDVO, Jagatsinghpur for a period of one year, which was published in Odiya Daily Newspaper “The Samaj” and “The Sambad” on 02.09.2021. The details of the tender were also made available in the district website of Jagatsinghpur. The tender was of “two bids” system, namely, technical bid and financial bid. Pursuant to the tender call notice, various agencies, including the petitioner, submitted their respective bids enclosing relevant documents. The Collector & District Magistrate, Jagatsinghpur was requested to conduct

tender committee meeting to open the technical and financial bids of the bidders. Thereby, a tender committee consisting of five members was constituted. Thereafter, technical bids and the financial bids were opened in the tender committee meeting held on 17.09.2021 under the chairmanship of Addl. District Magistrate (Administration), Jagatsinghpur. In the tender committee meeting, it was also unanimously decided to keep the statutory items i.e. take-home honorarium, EPF, ESI, service tax etc. as constant for all the firms as the same is fixed by Govt. while keeping the service charges of the bidders as variable component. After scrutiny of documents of all the bidders by the tender committee, M/s. Bharat Security Service-opposite party no.4 was found to be L1 bidder, being eligible both in terms of technical as well as financial aspects. The committee unanimously recommended the name of M/s. Bharat Security Service for providing manpower services and the tender was awarded in its favour. The sole contention of the petitioner is that the bid of opposite party no.4 was non-responsive one, but nothing has placed on record to establish such contention. Furthermore, accepting that the bid of opposite party no.4 was non-responsive one, but no objection in that regard was raised by the petitioner at the time of opening of the technical bids and the financial bids.

5. In view of such position, this Court is of the considered view that the petitioner, having participated in the process of tender, now cannot turn around and say that awarding of tender in favour of opposite party no.4 is illegal. Consequently, we do not find any error apparent on the face of the impugned order dated 31.03.2022 passed by the Directorate of Animal Husbandry &

Veterinary Services, Odisha, so as to warrant interference with the same.

6. Accordingly, the writ petition merits no consideration and the same is hereby dismissed.

(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE

Ashok/Puspa

