

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No.27628 of 2022

*Hindustan Graphics,
Bhubaneswar, Khurda*

.....

Petitioners

Mr. S. Mallik, Advocate

Vs.

State of Odisha & Ors.

.....

Opposite Parties

Mr. P.P. Mohanty, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE B.P. SATAPATHY

ORDER

26.10.2022

Order No.

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This matter is taken up through hybrid mode.

2. Heard Mr. S. Mallik, learned counsel appearing for the petitioner and Mr. P.P. Mohanty, learned Additional Government Advocate appearing for the State-opposite parties.

3. The petitioner has filed this writ petition seeking to quash the order/letter dated 22.09.2022 under Annexure-5 and further to issue direction that the petitioner, being found successful lowest bidder by the Selection Committee in its meeting held on 09.09.2022 in presence of all the participants the work order shall be issued to the petitioner.

4. Mr. S. Mallik, learned counsel appearing for the petitioner contended that when the price bid was opened on 09.09.2022 in presence of all the participants, the petitioner was declared successful bidder and, as such, normally the petitioner should have been issued with the contract. But since there was delay, the petitioner made representation to opposite party no.2 under Annexure-4 dated 16.09.2022. Now, the petitioner has been communicated vide Annexure-5 dated 22.09.2022 that he was not selected by the selection

committee in its meeting held on 09.09.2022. It is stated that once the petitioner was selected, he could not have been communicated that he has not been selected. Thereby, the action taken by the authority is arbitrary and unreasonable.

5. Mr. P.P. Mohanty, learned Additional Government Advocate appearing for the State-opposite parties contended that nothing has been placed on record to show that the petitioner has ever been selected nor has he filed the evaluation sheet to that effect. On mere assertion that the petitioner was declared successful, that cannot give right to the petitioner to be selected unless some materials are placed before this Court to that effect.

6. Considering the contentions raised by learned counsel for the parties and after going through the records, it appears that pursuant to advertisement issued, the petitioner participated in the process of tender. Whether it has been selected or not, nothing has been placed on record to that effect. It is stated that the petitioner had made a representation before opposite party no.2 vide Annexure-4 dated 16.09.2022 for issuance of work order, but to that effect opposite party no.2 communicated, vide Annexure-5 dated 22.09.2022 that the petitioner was not selected by the selection committee in its meeting held on 09.09.2022. In absence of any materials, this Court is unable to take any decision that the petitioner has been selected.

7. In that view of the matter, the writ petition merits no consideration and the same is dismissed.

(DR. B.R. SARANGI)
JUDGE

(B.P. SATAPATHY)
JUDGE

Alok