

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No.27790 of 2022

*Jayaprakash Narayan Pani &
Ors.*

.....

Petitioners

Mr. S. Pradhan, 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. Pradhan, learned counsel appearing for the petitioners and Mr. P.P. Mohanty, learned Additional Government Advocate appearing for the State-opposite parties.

3. The petitioners have filed this writ petition seeking to quash the guidelines published by the Principal Secretary to Govt., Government of Odisha, Department of Water Resources vide File No.IIM-6/2015 No.1/W.R, Bhubaneswar dated 01.01.2019 and further to issue direction to frame fresh guidelines towards pre-qualification criteria for the tenders in consonance of the office memorandum dated 09.09.2022 under Annexure-4.

4. Mr. S. Pradhan, learned counsel appearing for the petitioners contended that because of guidelines issued under Annexure-4 dated 09.09.2022, the petitioners, being Special Class Contractors have not been able to participate in the bid, as the conditions stipulated therein are not conducive. Therefore, the petitioners have approached this Court by filing this writ petition.

5. Mr. P.P. Mohanty, learned Additional Government Advocate appearing for the State-opposite parties contended that the conditions stipulated in Office Memorandum issued by the Government of Odisha, Works Department vide Annexure-4 dated 09.09.2022 are well justified and, as such, the said Office Memorandum does not require any modification/clarification. It is further contended that pursuant to conditions stipulated in the aforesaid Office Memorandum, if the petitioners do not satisfy the requirement, the claim made by the petitioners cannot sustain in the eye of law.

6. Considering the contentions raised by learned counsel for the parties and after going through the records, since the petitioners want to make some changes in the guidelines issued in the Office Memorandum under Annexure-4 dated 09.09.2022 and also the guidelines issued under Annexure-1 dated 01.01.2019, this Court is not inclined to entertain this writ petition. However, the petitioners are at liberty to pursue their remedy before the appropriate forum to change the conditions of eligibility, as have been prescribed in the tender documents. As such, the change of eligibility criteria has to be done only by the appropriate authority, who is competent to do so in accordance with law.

7. With the above observation, the writ petition stands disposed of.

8. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(B.P. SATAPATHY)
JUDGE

