



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) No.1012 of 2022

M.Rajeshkumar

... Petitioner

vs.

- 1.State of Tamil Nadu,
Rep. by its Secretary,
Health and Public Welfare Department,
Secretariat, Chennai.
- 2.The Director of Medical Education,
Office of the Director of Medical Education,
Chennai 600 010.
- 3.The Executive Engineer,
Public Works Department,
Construction and Maintenance Division,
Medical Services, Thallakulam,
Madurai.
- 4.The Dean,
Government Rajaji Hospital,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbear the respondents from leasing out the right to run the canteen in the campus of Government Rajaji Hospital, Madurai in pursuance of the proceedings of the second respondent vide his Ref.No.95617/P&D1/2/2021 without conducting any auction to lease out the rights in accordance with the provisions of Tamil Nadu Transparency in Tenders Act, 1998.

For Petitioner : Mr.M.Ajmal Khan
Senior Counsel
for M/s.Ajmal Associates

For Respondents : Mr.S.Kameswaran
Government Advocate

O R D E R

Heard Mr.M.Ajmalkhan, learned Senior Counsel for the petitioner and Mr.S.Kameswaran, learned Government Advocate, who takes notice on behalf of all the respondents.

2.But even before proceeding further, I must express extreme dismay at the steps taken by the fourth respondent/Dean, who is not the owner of the premises and that he has no objection for a



particular restaurant to run a canteen in the Government Rajaji Hospital, Madurai. The Dean is primarily present to administer the college and need not indulge in taking decisions about canteens and such other shops in the said hospital.

3. Let him concentrate, on patients, on students, on laboratories, on medical facilities provided for the patients who come there. Let him not divert his attention on canteens and such other aspects.

4. Be that as it may, it is stated that a notice had been issued to the present occupant on 13.01.2022 to vacate, so that the said premises may be let out in auction on 31.01.2022. The petitioner apprehends that without conducting auction, the next incumbent would be decided. I do not think the apprehension has any legs to stand. The third respondent is under an obligation to follow necessary rules and procedures with respect to auctioning of the said premises by inviting tenders and following the principles as laid down to auction canteen premises inside the Government Rajaji Hospital at Madurai. No further orders are required, but this direction would be binding on the third respondent.

5. With the above observations, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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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 Secretary,
State of Tamil Nadu,
Health and Public Welfare Department,
Secretariat, Chennai.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Director of Medical Education,
Office of the Director of Medical Education,
Chennai 600 010.

3.The Executive Engineer,
Public Works Department,
Construction and Maintenance Division,
Medical Services, Thallakulam,
Madurai.

4.The Dean,
Government Rajaji Hospital,
Madurai.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-2559[F] dated
27/01/2022)

+1 CC to M/s.SPL.GP (SR-2574[F] dated 27/01/2022)

W.P.(MD) No.1012 of 2022
25.01.2022

MGJ(11.02.2022) 3P 7C