



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.7930 of 2022

and

W.M.P. (MD) .No.5952 of 2022

WEB COPY

N.Balaji

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Health and Family Welfare Department,
Secretariat,
Chennai.
- 2.The Director of Medical Education,
O/o.Director of Medical Education,
Chennai - 600010.
- 3.The Executive Engineer,
Public Works Department,
Construction and Maintenance Division,
Medical Services,
Thallakulam,
Madurai.
- 4.The Dean,
Government Rajaji Hospital,
Madurai.
- 5.The Authorised Officer,
M/s.Amman Vegetarian Restaurant,
137, Sastha Complex,
Opp. Nirmala Girls Higher Secondary School,
Kamaraajar Salai,
Madurai - 9.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the proposed confirmation/allotment of the tender to run the canteen in the campus of Madurai Government Rajaji Hospital in favour of the fifth respondent pursuant to the notification dated 24.03.2022 published in Daily Thanthi Newspaper.

For Petitioner

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

For R-1 to R-4

: Mr.B.Saravanan,
Additional Government Pleader.



ORDER

This Writ Petition has been filed for a Writ of Certiorari on the ground that the canteen, which was earlier operated by the petitioner at Madurai Government Rajaji Hospital, has been now given to the fifth respondent for operation despite the fact that the petitioner was the highest bidder under the auction.

2. It is the contention of the petitioner that after coming to know about the petitioner's bid amount, at the instance of the fourth respondent, the fifth respondent has been permitted to fill up the figures and increase the bid amount. According to the petitioner, the acceptance of the bid of the fifth respondent is arbitrary and illegal.

3. However, the contention of the petitioner is disputed by the learned Additional Government Pleader appearing for the respondents 1 to 4. According to him, only in accordance with the procedure as per the terms and conditions of the tender, the contract has been awarded to the fifth respondent, who was the successful bidder. He would also submit that photographs were also taken when the auction was conducted and they will be placed on record before this Court as and when the need arises.

4. Learned Senior Counsel for the petitioner would now submit that since orders have been passed granting license to the fifth respondent, liberty may be granted to the petitioner to challenge the said order in the manner known to the petitioner under law. The said statement is recorded.

5. After recording the submissions made by the respective counsels, this Writ Petition is disposed of by granting liberty to the petitioner to challenge the order dated 20.04.2022, under which the fifth respondent has been declared as a successful bidder, in the manner known to the petitioner under law. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm



To

- 1.The Secretary,
State of Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Chennai.
- 2.The Director of Medical Education,
O/o.Director of Medical Education,
Chennai - 600010.
- 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-21454[F]
dated 26/04/2022)

+1 CC to M/s.SPL GP. (SR-21276[F] dated 26/04/2022)

**W.P. (MD) .No.7930 of 2022
25.04.2022**

SG(CO)

GC(18.05.2022) 3P 7C