



W.P.(MD)No.13866 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13866 of 2022

and

W.M.P(MD)Nos.9863 & 11676 of 2022

K.A.U.Yasir Ali Abbas

... Petitioner

Vs

The Dean,
Mahatma Gandhi Memorial Government Hospital,
Trichy.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings in Na.Ka.No.7113/Ki2/2022 dated 08.06.2022 issued by the respondent and quash the same on the ground that the same is arbitrary, illegal and without any legal basis and consequently, direct the respondent to restore the Tender license issued by the respondent in his proceedings in Na.Ka.No.7113/Ki.1/2021 dated 22.11.2021 infavour of petitioner.

For Petitioner : Mr.M.Sridharan

For Respondent : Mr.N.Ramesh Arumugam
Government Advocate



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ORDER

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Heard the learned counsel on either side.

2. The respondent issued tender notification calling for the applications for being issued with the licence to remove the scrap particles mentioned in the tender notification. The petitioner was found to be the highest tenderer. He was issued with licence on 22.10.2021. The licence was to be valid for a period of one year upto 21.10.2022. During the subsistence of the licence period, the impugned order dated 08.06.2022 came to be passed. The petitioner's licence has been terminated. Challenging the same, this writ petition has been filed.

3. The learned Government Advocate appearing for the respondent submitted that the tender notification contains a clause that the licence can be terminated at any time without notice and without assigning reasons. Even though such clause is incorporated in the tender notification, it is well settled that the tender accepting authority cannot arbitrarily cancel any licence. The petitioner was not put on notice. Even in the termination Order, it has been mentioned that since the value of scrap had gone up in the market, in order to avoid revenue loss to the Government, the licence is being cancelled. Such a reason can never be accepted. If the value of the scrap had gone down, the



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petitioner would have necessarily borne the loss. Likewise, if the value of the scrap has gone up, the petitioner will make more profit. These are all business considerations.

4. Therefore, the order impugned in this writ petition is quashed. This writ petition is allowed. Consequently, connected miscellaneous petitions are closed. No costs.

03.08.2022

Index : Yes / No
Internet : Yes/ No
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Note: Issue Order Copy on 08.08.2022.

To

The Dean,
Mahatma Gandhi Memorial Government Hospital,
Trichy.



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G.R.SWAMINATHAN, J.

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