



WEB COPY



W.P.No.21164 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.No.21164 of 2023
and W.M.P.Nos.20567 of 2023

V.Thiyagarajan

... Petitioner

Vs.

1.The Secretary to Government,
Health & Family Welfare Department,
Government of Tamilnadu,
Secretariate,
Chennai-600 009.

2.The Managing Director,
Tamilnadu Medical Services Corporation Ltd.,
417, Pantheon Road,
Egmore, Chennai-600 008.

... Respondents

PRAYER: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, to direct the respondents to reconsider the proceedings of No.010/M(P)/DRUG/TNMSC/2022, dated 27.06.2022 issued by the 2nd respondent and remove the modern laboratories immediately from the black list.



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For Petitioner : Mr.T.N.Rajagopalan
for N.Vijaya Raj

For Respondents : M/s.Senthil Selvi
Government Advocate

ORDER

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner has been blacklisted from participating in Government tender by the 2nd respondent. The grievance of the petitioner is that while the petitioner continues to retain its eligibility to participate in the Government tender in the State of Karnataka, only in Tamil Nadu he has been blacklisted, whereas, both the States are controlled by the same regulations of the Central Government, in terms of which blacklisting can be in force only for a period of two years.

3.It is in this circumstances, the petitioner has preferred a representation dated 30.06.2023, along with the order of the Karnataka Government, dated 30.05.2023, for the 2nd respondent to reconsider his earlier decision to blacklist the petitioner. Since the papers are pending with the 2nd respondent for a month



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now, and since it has got a direct barring to petitioner's fundamental right to do business under Article 19 (1)(g) of Constitution of India, the 2nd respondent is now required to take a call on the petitioner's representation dated 30.06.2023, to reconsider his earlier decision within a period of three (3) weeks from today.

4.This writ petition is disposed of with the above directions. No Costs. Consequently, the connected miscellaneous petition is closed.

17.07.2023

Anu

Index : Yes / No

Neutral citation : yes/no

Note to office: Issue order copy on 18.07.2023

To

1.The Secretary to Government,
Health & Family Welfare Department,
Government of Tamilnadu,
Secretariate,
Chennai-600 009.

2.The Managing Director,
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N.SESHASAYEE, J.
Anu

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