



W.P(MD)No.28535 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28535 of 2023

and

W.M.P.(MD)Nos.24599 & 24600 of 2023

Ramanathan Swaminathan

... Petitioner

Vs.

1.The Vice Chancellor,
Tamil Nadu Agriculture University,
Coimbatore-641 003.

2.The Office of the Executive Engineer & Estate Officer,
Tamil Nadu Agriculture University,
Coimbatore-641 003.

3.The State Informatics Officer,
National Informatics Centre Services Incorporated,
Fort, St.George, Chennai-600009.

4.M/s.Thangam Constructions,
No.30/1, Bhavani Main Road,
Veerapanchatram, Erode 638 004.
(R4 is suo motu impleaded vide
order dated 04.12.2023)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to direct to quash the Work Order dated 21.09.2023 Lr.No. EO/DB/CW/CHTD / Exam hall - Common Utility hall / Word Order 2023 passed by the 2nd respondent and



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consequently directing the 2nd respondent to publish and not to efface the tender in all the concern nodal websites as mandated under the Tamilnadu Tender Transparency Act, 1998 under the G.O.(MS). No. 249 dated 17.12.2021.

For Petitioner : Mr.G.Prabhu Rajadurai
for Mr.S.Bageerathan

For Respondents : Mr.A.Thirumurthy for R1 & R2
: Mr.K.Govindarajan for R3
: Mr.V.M.Jagadeeshpandian for R4

ORDER

Heard both sides.

2. The petitioner challenges the impugned tender process and award of contract in favour of the fourth respondent on the ground mentioned in the affidavit filed in support of the writ petition.

3. When the matter was taken up for hearing, the learned standing counsel for the University pointed out that as per Clause 6 of the tender notification, only those contractors who have registered their names in TNAU or PWD or CPWD in the appropriate class and monetary limit are only eligible to participate in the tender. In this case, the specific stand of the respondents is that the petitioner is not such a registered contractor. No material has been placed before me to controvert this assertion. The learned standing counsel for the University relies on the decision reported in *(2022) 6 SCC 127*



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(N.G.Projects Limited Vs. Vinod Kumar Jain and others) in support of his contention. Since the petitioner was not eligible to participate in the tender process, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

14.12.2023

Index : Yes / No
Internet : Yes/ No
rmi



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G.R.SWAMINATHAN, J.

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