



WEB COPY

W.P.No.220 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.220 of 2023
and
W.M.P.No.209 of 2023

S.Amudha

.. Petitioner

VS

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

2.The Dean,
Ariyalur Medical College Hospital,
Ariyalur.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records relating to the impugned letter dated 12.07.2022 made in NA.KA.No.2381/ki/22, of the 2nd respondent herein, quash the same and consequently direct the 2nd respondent herein to permit the petitioner herein to supply perishable and non perishable food products to the 2nd respondent college for the 1st half yearly 01.01.2023 to 30.06.2023, pending disposal of the above writ petition.

For Petitioner : Mr.C.Sivanesan

For Respondents : Mr.K.Tippu Sultan
Government Advocate

ORDER

The petitioner claims to be a Government contractor supplying perishable as well as non-perishable grocery items to various Government



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Hospitals. In addition, the petitioner also seeks a direction to the second respondent to permit the petitioner to supply perishable and non-perishable food products to R2 from 01.01.2023 to 30.06.2023.

2. A tender Notification had been issued on 26.05.2022 calling for supply of perishable and non-perishable food products for the period 01.07.2022 to 31.12.2022. Since the Notification had not been available in public domain, the petitioner was unaware of the same. Thereafter, when she had come to know of the same, and sought a copy, she received no proper response.

3. W.P.No.16453 of 2022 was filed seeking a mandamus directing the first respondent to cancel the Open Auction and issue fresh Notification by permitting the petitioner to participate. In the course of that writ petition, the respondents had recorded in the counter that the petitioner had been blacklisted. The petitioner claims that she was not aware of the blacklisting prior to that instance. Hence this writ petition seeking a quash of order dated 12.07.2022 blacklisting the petitioner.

4. The order of blacklisting has, admittedly, been passed without opportunity of hearing having been afforded to the petitioner or putting her to notice as to the reasons for the proposed blacklisting. That apart, the order also does not contain tenure of blacklisting and has been passed permanently and for all time.

5. In the counter filed, the second respondent denies that there had been any tender that had been issued for the period 01.07.2022 to 31.12.2022 and confirms that no open auction had been conducted for



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that period. More importantly, the second respondent points out that the petitioner has been operating under three benami names (i) S.Amutha (the petitioner herein), (ii) P.Sedhuraman of Kulithalai and (iii) R.Parameshwari of Kulithalai.

6. That apart, they state that there were serious allegations of bribe taken by the petitioner and complaints of poor quality in the materials supplied. It is for this reason that the respondents states that the order of blacklisting had been passed.

7. While the allegations are undoubtedly serious, this Court is of the unambiguous view that show-cause notices ought to have been issued to the petitioner and her response solicited prior to the order of blacklisting having been passed. There has thus been a violation of the principles of natural justice for which, impugned order dated 12.07.2022 is set aside and the proceedings remanded to the file of R1 to be re-done de novo in accordance with law and within a period of six (6) weeks from date of receipt of a copy of this order.

8. This Writ petition is disposed in the above terms. No costs. Connected miscellaneous petition is closed.

06.06.2024

Index:Yes/No
Neutral Citation:Yes
ssm



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DR. ANITA SUMANTH,J.

Ssm

To

- 1.The Director of Medical Education,
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- 2.The Dean,
Ariyalur Medical College Hospital,
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