



WEB COPY



W.P.No.2098 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P. No.2098 of 2024

B.Dhanalakshmi

...

Petitioner

Vs.

1. The Dean,
Thiruvvarur Medical College & Hospital,
Thiruvvarur.

2. The Executive Engineer,
Public Works Department,
Building Construction and
Maintenance Division,
Thiruvvarur.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st Respondent to extent the lease period for another one year i.e., 01.02.2024 to 31.01.2025 to run the canteen in the said premises in favour of the petitioner.

For Petitioner : Mr.K.Sanjay

For Respondents : Mr.S.Nanmaran,
Special Government Pleader



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ORDER

The petitioner who is running a Canteen at the 1st respondent Medical College has filed the present Writ Petition, seeking to direct the 1st Respondent to extend the lease period for another one year i.e., 01.02.2024 to 31.01.2025 to run the canteen in the said premises in favour of the petitioner on the ground that he is running the Canteen for more than two years.

2. Mr.K.Sanjay, learned counsel for the petitioner submitted that as per the G.O.Ms.No194, Medical and Public Health (H2) Department, dated 21.06.2022, the contractor ought to have given notification for inviting new tenders atleast three months before the completion of last tenure of the present contract. The learned counsel for the petitioner further submitted that his contract is going to end tomorrow i.e., 01.02.2024. But, so far, no notification has been issued for inviting tenders and hence, the petitioner's license has to be extended for one more year from 01.02.2024 to 31.01.2025 to run the canteen.

3. Mr.S.Nanmaran, learned Special Government Pleader appearing



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for the Respondents submitted that the petitioner is at liberty to participate in the tender and she cannot seek extension after having enjoyed the contract for two years.

4. So far as the canteens are concerned, the tenders have to be issued within the interval of three years period. Obviously, the successful bidder will get the contract for three years to run the Canteen in the premises. However, it is seen that the three years interval was contemplated only in the year 2022 as per G.O.Ms.No194, Medical and Public Health (H2) Department, dated 21.06.2022 and prior to that, the contracts have been issued for a maximum of one year period subject to renewal.

5. The petitioner who had participated in the tender as per the old regulations has filed this petition on the basis of the new G.O. issued on 21.06.2022. Admittedly, the said G.O was issued only on 21.06.2022 which can only have prospective effect and cannot be effected retrospectively. However, the respondents have not issued any tender notification so far despite knowing that the petitioner's contract is going to



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end on 01.02.2024. In such context of the fact and also by considering the possibilities of granting the contract for three years as per the new G.O. the respondents can consider and allow the petitioner to run the canteen for one more year.

6. In view of the above, the petitioner is at liberty to make a fresh representation to the respondents forthwith and on receipt of the same, the respondents are directed to consider it and pass appropriate orders on its own merits and in accordance with law, within a period of two weeks from the date of representation to be made by the petitioner.

7. With the above observation, this Writ Petition is disposed of. No costs.

31.01.2024

Index: Yes / No
Speaking order / Non-speaking order
vum

Note: Issue order copy tomorrow (01.02.2024)



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To:

1. The Dean,
Thiruvavarur Medical College & Hospital,
Thiruvavarur.

2. The Executive Engineer,
Public Works Department,
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R.N.MANJULA ,J.

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