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W.P. No.11364 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2024

CORAM:

THE HONOURABLE **Mrs. JUSTICE V. BHAVANI SUBBAROYAN**

W.P. No.11364 of 2024

M/s.Gem and Jewellery Technical Training Institute,
Represented by its Director Mr.M.E.Manian,
No.17/57-A, Lakhan Street,
1st Floor, Sri Ranjani Hotel, Chidambaram.

.. Petitioner

Versus

1.The Registrar of Co-operative Societies,
N.V.Natarajan Maligai, No.170, Periyar EVR Road,
Kilpauk, Chennai – 10.

2.The Additional Registrar / Managing Director,
Tamilnadu Cooperative Union
N.V.Natarajan Maligai,
No.170, Periyar EVR Road,
Kilpauk, Chennai – 10.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to allot the work of conducting classes for the Jewel Appraisal and Techniques Subject for the students of the academic year 2024- 2025 to the petitioner firm and arrange for payment of the outstanding due to the petitioner firm for the work already done in the light of the representation dated 08.01.2024 submitted by the petitioner firm.



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For Petitioner : Mr.V.Vijayashankar

For Respondents : Mr.G.Krishnaraja
Additional Government Pleader
for R1 and R2

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus directing the 1st respondent to allot the work of conducting classes for the Jewel Appraisal and Techniques Subject for the students of the academic year 2024-2025 to the petitioner firm and arrange for payment of the outstanding due to the petitioner firm for the work already done, based on the representation dated 08.01.2024 submitted by the petitioner firm.

2. The petitioner is a Technical Training Institute. The 2nd respondent is a Cooperative Union running Institutes of Cooperative Management Course “Diploma Cooperative Management” in Cooperative Polytechnic College and two I.T.I.s which conduct several courses. One such premier course conducted by the 2nd respondent Union is Diploma in Cooperative Management, in which “Jewel Appraisal and Techniques” is one the subjects.



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WEB COPY 3. The case of the petitioner is as follows :

From the year 2004 onwards, M/s.Sriram Technical Training Institute, Madurai was awarded the contract for conducting the Jewel Appraisal and Techniques subject and the contract was being extended for about 15 years without any interruption without calling for tenders in a most opaque and secretive manner. Thereafter, the 2nd respondent arranged for inviting tenderes in October 2018 for conducting classes. The petitioner submitted its bid and was successful and therefore, contract was awarded in favour of the petitioner firm in the year 2019. The contract was for a period of 3 years, extendable by a further period of 2 years.

4. While so, M/s.Sriram Technical Training Institute challenged the award of contract in favour of the petitioner by filing a writ petition in W.P.No.9565 of 2019 and obtained an order of interim stay. Thereafter, the petitioner filed their counter and contested the case and the stay was vacated in the year 2020. Even after stay was vacated, the 2nd respondent did not allow the petitioner to start the classes. Thereafter, Covid-19 struck in March, 2020 and on account of the same, everything came to a halt.



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5. An year later, the 2nd respondent, by proceedings dated 04.01.2021, summarily cancelled the award of contract in favour of the petitioner firm. The petitioner challenged the said order by filing a writ petition in W.P.No.8359 of 2021 and obtained an order of interim stay. Thereafter, by proceedings dated 17.02.2022, the petitioner was permitted to start the classes in three batches of students, viz., 2019-2020, 2020-2021 and 2021-2022. The petitioner was successful in completing the courses within time schedule.

6. Later, the petitioner filed a writ petition in W.P.No.5695 of 2023 for permitting the petitioner to conduct training class for 2022-2023 batch. The said writ petition was admitted and notice issued. While so, the 2nd respondent issued a tender notification stating that the bidder should be a member of goldsmith association. The petitioner challenged the said notification by filing a writ petition in W.P.No.7231 of 2023 on the ground that it was unlawful and unconstitutional. Recording the undertaking by the 2nd respondent that they would withdraw the condition, the writ petition was closed.

7. When the petitioner was in the bonafide belief that the 2nd respondent would permit the petitioner firm itself to continue with the classes, the 2nd respondent, by order dated 26.05.2023, permitted each Training Institute to



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engage Instructors of their choice, instead of going for tender. The petitioner challenged the same by filing a writ petition in W.P.No.16474 of 2023 and obtained an order of interim stay. In such circumstances, the two writ petitions, i.e., W.P.No.5695 of 2023 and W.P.No.16474 of 2023 came up for hearing and this Court, by order dated 12.12.2023, taking note of the subsequent developments, permitted the petitioner to withdraw the writ petitions with liberty to agitate the issue in separate proceedings.

8. Pursuant to the directions of this Court, the petitioner firm submitted a representation to the respondents on 08.01.2024 to permit to operate atleast for two more years and conduct classes for the subsequent batch. Further, the petitioner firm also requested for the amounts due and payable to them for the classes already conducted.

9. The grievance expressed by the petitioner is that the representation is pending without any action on the part of the respondents. Aggrieved by the inaction on the part of the respondents, the petitioner has come forward with this writ petition to direct the 1st respondent to allot the work of conducting classes for the academic year 2024-2025 and for payment of amount due for the work already done.



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10. Though a larger relief is sought for in the writ petition, the learned counsel for the petitioner now submits that the petitioner would be satisfied if a direction is issued to consider the representation of the petitioner dated 08.01.2024 within a reasonable time.

11. Having regard to the facts and circumstances of the case and also considering the limited scope of the prayer now sought for by the learned counsel for the petitioner, this Court, without expressing any opinion on the merits of the case of the petitioner, directs the respondents to consider the representation of the petitioner dated 08.01.2024, and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

12. With the above direction, this writ petition is disposed. No costs.

24.04.2024

Index: Yes / No

Speaking order / Non speaking order

Neutral Citation Case: Yes / No

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To

- 1.The Registrar of Co-operative Societies,
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- 2.The Additional Registrar / Managing Director,
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V. BHAVANI SUBBAROYAN, J.,

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