



W.P.No.25688 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.25688 of 2022 and
WMP.Nos.24728 & 24729 of 2022

National Association of Educated Self Employed Youth,
(Reg No.222/76)
Madras rep. By its General Secretary,
S.Ganesh Bose,
No.2, 1st Floor, Balaji Street,
Annai Indira Nagar, Velacherry,
Chennai 600 042

... Petitioner

Vs.

1.The Government of Tamilnadu rep. By its
Commissioner and Principal Secretary,
Department of Health & Family Welfare,
Fort St.George, Madras 600 009

2.The Director of Medical Education,
Kilpauk, Madras 600 010

3.The Director of Medical & Rural Health Services,
Teyanampet, Madras 600 018

4.The Chief Engineer,
Buildings & Maintenance Division, P.W.D.,
Chepauk, Madras

... Respondents



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PRAYER:

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Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to Order in GO.No.194 dated 21.06.2022 of the first respondent and quash the same and consequently direct the respondents to consider the representation dated 15.02.2022, 30.06.2022 made to the first respondent and representation dated 06.07.2022 to the first and fourth respondents for exempting NAESEY from Open Tender Forum and confirm the fourth respondent circular memorandum as stands still good in accordance with law for further extension and in accordance with orders of the Hon'ble Apex Court in Civil Appeal No.20689 of 1993 and batch and order of this Court in WP.No.10798 of 1997.

For Petitioner : Mr.R.Ramesh

For Respondents : Mr.E.Vijay Anand,
Additional Government Pleader

ORDER

This writ petition has been filed challenging the Government Order in GO.Ms.No.194 dated 21.06.2022 issued by the first respondent thereby imposing certain conditions and regulations while installing tea shop, milk shop and hotels inside the Government hospitals.



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2. The petitioner is one of the member of the National Association of Educated Self Employed Youth registered under the Societies Act. It is engaged in promoting self employment scheme for the benefits of educated unemployment youth and as an innovative programme of the association, it installed NAESEY SNACK KIOSK for vending tea, coffee, snacks, etc in all Government Medical Institutions. It also raised loan from scheduled bank to run the business. While being so, the petitioner had obtained permission from the Government Authorities to run the canteen inside the Government hospitals and in the Government offices.

2.1 While being so, the Government had passed order in GO.Ms.No.93 dated 25.03.2015 stating that lot of complaints were received from the public at large in respect of maintaining hygienic and quality of food and fixing of price by the shop owners who are all running business inside the Government hospitals. Therefore, competent authorities conducted inspection and based on the report, the said Government Order was passed and thereby directed the shops which are



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run without maintenance or quality of food to be vacated. Further, authorities were directed to float tender to award contract to run shops to provide hygienic food. The said Government Order was already challenged before this Court in WP.No.14593 of 2015 and this Court by an order dated 04.07.2018 upheld the Government order and further issued directions that the persons who are already running the canteen need to be given an opportunity to improve the quality of food and hygiene and other aspects. The Government authority shall give notice to all the persons who are running the canteen enabling them to improve the quality of service in all aspects. Further observed that where the contract period has lapsed, if the authorities so decide to extend the contract, sufficient conditions in this regard shall be imposed and in the event of compliance of such requirement, the contract may be extended. Ultimately they should ensure that hygienic and quality of food and pricing are maintained by the persons who are running the canteens in all respects. Subsequently, the order impugned in this writ petition was issued in GO.No.194 dated 21.06.2022 thereby issued certain conditions and guidelines to run the canteen.



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3. The learned counsel appearing for the petitioner would submit that the present order has been passed not only imposing certain conditions and guidelines but also directing to float tender to award contract to run the canteens.

4. On perusal of the Government Order impugned in this writ petition in GO.Ms.No.194 dated 24.06.2022, revealed that if the persons are running the canteens inhygienically and not provided standard food, they shall be issued notice by giving seven days time to rectify the same, failing which directed to cancel the lease and float tender. Therefore, if the petitioner failed to maintain canteen in a hygienic manner and failed to serve standard food, the petitioner will be issued show cause notice to rectify the same. As such, this Court finds no infirmity or illegality in the Government order passed in GO.Ms.No.194 dated 21.06.2022 and this writ petition is devoid of merits and liable to be dismissed.



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5. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

20.06.2024

Neutral citation: Yes/No

Index: Yes/No

Speaking/Non-speaking order
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To

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