



**W.P(MD)No.3868 of 2024**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 15.03.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P(MD)No.3868 of 2024**

**and**

**W.M.P.(MD)Nos.3753 & 3755 of 2024**

M/s.Innovative Systems,  
Represented through its Proprietor M.Sudharson,  
Having Office at  
48/5, F4 F5, Calvin Tower,  
M.G.Raj Trade Park, South Bye-Pass Road,  
Tirunelveli.

... Petitioner

**Vs.**

- 1.The Superintending Engineer,  
Directorate of Town Panchyat,  
75, Santhome High Road,  
Raja Annamalai Puram,  
Chennai.
- 2.The Assistant Director,  
Town Panchayat,  
Tirunelveli.
- 3.The Assistant Executive Engineer,  
Town Panchayat,  
Tirunelveli.
- 4.The Executive Officer,  
Gopalamudram Town Panchayat,  
Gopalamudram,  
Tirunelveli.



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5.The Assistant Executive Engineer,  
Town Panchayat,  
Tenkasi.

... Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the fourth respondent dated 13.02.2024 and quash the same as illegal and consequently, direct the respondents to call for fresh tender by following due process of law.

For Petitioner : Mr.P.Alwin Balan

For Respondents : Mr.Veerakathiravan  
Additional Advocate General  
assisted by  
Mr.M.Lingadurai  
Special Government Pleader for R1 to R5

### **ORDER**

Heard the learned counsel appearing for the petitioner and the learned Additional Advocate General assisted by the learned Special Government Pleader for R1 to R5.

2. The fourth respondent herein issued the tender notification dated 22.11.2023 calling for applications from eligible contractors for construction of Primary Health Centre Building. The petitioner applied in response thereto. The petitioner's tender application was rejected at the technical scrutiny stage.



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Challenging the same, the present writ petition came to be filed.

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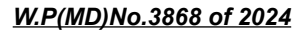
3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. In fact, finding *prima facie* merit in petitioner's counsel's contention, I granted an interim order on 20.02.2024. The interim order reads as follows:-

“Heard the learned counsel on either side.

2. It has been *prima facie* demonstrated that the technical evaluation of the petitioner's tender was not done properly. One Malathi was the executive officer of Gopalasamudram Town Panchayat. She was transferred on 23.12.2023. She was relieved on 29.12.2023. The executive officer of the Melaseval Town Panchayat had taken additional charge on 03.01.2024. The technical evaluation was done on 12.01.2024. The impugned report has been digitally signed on 05.02.2024 and it reflects the name of Malathi. *Prima facie*, Malathi appears to be associated with the technical evaluation process. That apart, the Assistant Executive Engineer, Tenkasi Division, Department of Town Panchayat had done the technical valuation.

3. The petitioner's counsel would state that the Assistant Executive Engineer, Tirunelveli Division ought to have done the technical evaluation. Something is not in order. The respondents are restrained from finalizing the tender process till the disposal of the writ petition.”

4. Counter affidavit has been filed. The learned Additional Advocate General submitted that the petitioner's tender application came to be rejected because he did not fulfill the condition set out in Clause 4.1 A(2). The said



“(2) The applicants should have been in the Civil Engineering Construction field at-least for the past five years. (2016-17 to 2020-21). He should submit the audited balance sheet for last five years.”

“14(I) As regard the ground No.(a), it is submitted that the bid submitted by the petitioner was rejected for non compliance of Tender Clause No.4.1.A2 and failure to submit the proof for existence in the filed of Civil Construction for the past five years. The petitioner cannot declare his eligibility by submitting for few years or random compliances of tender conditions. Hence, this ground is not at all maintainable.”

<https://www.mhc.tn.gov.in/judis>



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However, he had used the digital signature of the previous incumbent.

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6. From a perusal of the original files, I am satisfied that this stand is in accord with the file notes and record. No ground is made out for interference. Interim order is vacated. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

**15.03.2024**

Index : Yes / No  
Internet : Yes/ No  
rmi

***NOTE:Issue Order Copy on 18.03.2024***

To

- 1.The Superintending Engineer,  
Directorate of Town Panchyat,  
75, Santhome High Road,  
Raja Annamalai Puram,  
Chennai.
- 2.The Assistant Director,  
Town Panchayat,  
Tirunelveli.
- 3.The Assistant Executive Engineer,  
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**G.R.SWAMINATHAN, J.**

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4.The Executive Officer,  
Gopalamudram Town Panchayat,  
Gopalamudram,  
Tirunelveli.

5.The Assistant Executive Engineer,  
Town Panchayat,  
Tenkasi.

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