

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 05.03.2024****CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P.(MD)No.5098 of 2024 AND**  
**W.M.P.(MD)Nos.4880 & 4881 of 2024**

N.Mariappan

... Petitioner

Vs.

1. The Superintending Engineer,  
C&M Circle, Tirunelveli,  
High Ways Department, Tirunelveli.

2. The Tender Scrutiny Committee,  
C&M Circle, Tirunelveli, High Ways Department,  
Tirunelveli. ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the 1<sup>st</sup> respondents dated 29.02.2024 in Tender ID No. 2024-HWAY - 426316-1 and quash the same in so far as it relates to the petitioner and consequently directed the respondents to re-consider the petitioner bid number 997353 dated 25.02.2024 in respect of Item No.2 strengthening at KM 53/290 - 54/8 of Tirunelveli - Shenkottai - Kollam Road in tender No.53/2023-24/D1 dated 05.02.2024 issued by the 1<sup>st</sup> respondent by taking into account the original tender documents submitted by the petitioner at the office of the 1<sup>st</sup> respondent on 26.02.2024 at about 1.30 pm within the time frame stipulated by this Court.

For Petitioner : Mr.G.Mohankumar

For Respondents : Mr.A.Kannan,  
Additional Government Pleader.

\* \* \*

**ORDER**

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Heard both sides.

2. The issue raised in the writ petition had been dealt with by me vide order dated 01.03.2024 in W.P.(MD)Nos.4531 and 4532 of 2024. The case on hand is similar. Having notified that the tenders should be submitted only in online mode, there could not have been a stipulation that uploaded documents should be submitted in person to the first respondent. This incorporation of such clause defeats the very object of avoiding human interface in the tender process.

3. Since the petitioner was disqualified only on this ground, the impugned rejection order is set aside. The matter is remitted to the file of the first respondent. The process will resume the stage of technical scrutiny. In other words, the petitioner's tender will be treated as eligible and considered along with the other tenders. This writ petition stands allowed on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

**05.03.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes/ No  
PMU

**Note : Issue order copy on 06.03.2024.**



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**To:**

1. The Superintending Engineer,  
C&M Circle, Tirunelveli,  
High Ways Department,  
Tirunelveli.
2. The Tender Scrutiny Committee,  
C&M Circle, Tirunelveli,  
High Ways Department,  
Tirunelveli.



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W.P.(MD)NO.5098 OF 2024

**G.R.SWAMINATHAN,J.**

PMU

W.P.(MD)No.5098 of 2024

05.03.2024