



W.P(MD)No.29342 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.11.2025

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)No.29342 of 2025

and

W.M.P.(MD)No.22671 and 22672 of 2025

M/s.M.R.& Co.,
Rep.by its Partner,
Mr.Ravichandran,
44-B, Kanchi Periyavar Nagar,
Thiruppathur Road,
Devakottai,
Sivagangai District.

.. Petitioner

Vs

1.The State of Tamilnadu,
Rep.by the Superintending Engineer (H),
Highways Department,
Construction and Maintenance,
Madurai Circle.

2.The Divisional Engineer (H),
Highways Department,
Construction and Maintenance,
Ramanathapuram.

.. 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 passed by the first respondent in Na.Ka.No.31/E.Va.A-1, dated 10.10.2025 and quash the same as illegal,



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arbitrary and violative of the principles of natural justice and consequently direct the first respondent to evaluate the petitioner's bid dated 07.10.2025 for Tender Notice No.31/2025-26/HDO, dated 01.09.2025 without insisting the Work Site Inspection Certificate.

[Amended vide order dated 23.10.2025]

For Petitioner : Mr.H.Lakshmishankar
for A.Mohan

For Respondents : Mr.Veerakathiravan (R1 & R2)
Additional Advocate General
Mrs.D.Farjana Ghoushia
Special Government Pleader

ORDER

This writ petition was originally filed for the following relief:

“challenging the order passed by the first respondent dated 10.10.2025 with respect to the Tender Notice No.31/2025-26/HDO, dated 01.09.2025 insofar declaring that the bid of the petitioner as “Non-admitted” and quash the same as illegal and consequently direct the first respondent to accept the bid of the petitioner by accepting the Work Site Inspection Certificate and Working condition of the Plant and Machineries Certificates issued by the second respondent in the identical tenders namely Tender Nos.32, 34 and 35 and evaluate the bid of the petitioner as valid and eligible.”

2.It has been amended, thereafter to read as follows:

“order passed by the first respondent in Na.Ka.No.31/E.Va.A-1, dated 10.10.2025 and quash the same as illegal, arbitrary and



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violative of the principles of natural justice and consequently direct the first respondent to evaluate the petitioner's bid dated 07.10.2025 for Tender Notice No.31/2025-26/HDO, dated 01.09.2025 without insisting the Work Site Inspection Certificate”.

3.It is the case of the petitioner that they are the registered first class Contractor under the Highways Department having an unblemished experience of over 33 years in the field of road and bridge construction across the State of Tamilnadu. It is their contention that they have executed several major infrastructure works under various Government Orders and have consistently maintained high standards as required by the tender.

4.It is their further case that the first respondent being the tender inviting authority had issued multiple tender notifications under Comprehensive Road Infrastructure Development Programme, 2025-2026. One of the tender conditions was that every intending bidder must apply to the concerned divisional engineer for the Work Site Inspection Certificate and Working Condition of Plant and Machinery Certificate on or before 25.09.2025 upto 17.45 hours and the concerned Engineer was to issue the certificate on or before 03.10.2025. It was further stipulated that if the application are submitted beyond the prescribed date and time, the same would not be considered.



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5.It is the case of the petitioner that he had applied in person on 23.09.2025 and had also sent a request through speed post on the same date for issuing the aforesaid certificates. The second respondent office had received the same on 24.09.2025 well within the stipulated time. The second respondent had issued the Work Site Inspection Certificate and Working Condition of Plan and Machinery Certificate on 30.09.2025 only in respect of the packages covered in tender Nos.32, 34 and 35, but had intentionally omitted to issue the certificate for the project titled '*strengthening at Km.1/750-3/435 of Kallikudi-Kottakudi (via) Soorampuli road including construction of protective wall at Km.2/8 and reconstruction of box culvert at km.2/8, 3/4'* in tender notice No.31. The application of the petitioner was neither considered nor rejected by the second respondent and when it was questioned, an evasive reply was given by the second respondent.

6.The petitioner would submit that this is a total violation of the provisions of the Tamilnadu Transparency in Tenders Act & Rules. The petitioner would submit that they had submitted four bids through online mode on 07.10.2025 along with Work Site Inspection and Machinery Working Condition Certificates issued by the second respondent dated 30.09.2025. The



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tender portal had accepted the bids and acknowledgements were generated.

However, on 10.10.2025, when the result of technical evaluation were published by the first respondent in the official website, bid for tender No.31 was rejected as not admitted on the ground of non-fulfillment of tender conditions. Whereas the bid of one Rajasekaran, who had not possessed the required machinery certificate, was accepted.

7.Thus aggrieved, the petitioner has filed the above writ petition seeking the relief of declaration and consequent mandamus. Thereafter, when the matter had come up on 17.10.2025, the petitioner was informed that the detailed order had been passed and therefore, the petitioner had amended the prayer seeking to quash the order with a consequent mandamus.

8.A Counter statement has been filed by the second respondent inter alia contending that the tender notice has clearly stipulated that the Work Site Inspection Certificate and Working Condition of Plant and Machinery Certificate obtained by the Divisional Engineer (H) CMD were to be uploaded and failure to upload would result in the bid being summarily rejected. It is their contention that the petitioner after accepting his scope of work, had signed the Work Site Inspection Certificate in respect of work relating to tender notice



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Nos.32, 34 and 35 but refused to sign with reference to tender notice No.31.

Therefore, the certificate was not issued to him. The respondents had further contended that the special condition No.2 specified in the standard bidding document had clearly stipulated that the tenderer should inspect the site of the proposed work before quoting the tender percentage /rate for which a work site inspection certificate should be obtained from the concerned Divisional Engineer and uploaded along with the tender document failing which they were informed that the bid would be summarily rejected. Therefore, the petitioner who had refused to sign the work site inspection certificate for tender No.31 cannot now question the rejection of his bid.

9.The additional counter affidavit has also been filed by the second respondent contending that in respect of tender No.31, the petitioner had not uploaded the work site inspection certificate and work condition of plant and machinery certificates. He would also contend that the petitioner had not signed in the column provided for accepting the working conditions in the work site inspection certificate therefore, the second respondent could not issue the work site inspection certificate and the second respondent would contend that the petitioner cannot take advantage of his wrong and plea *mala fide* against the respondent. Consequently, he prayed to dismiss this writ petition.



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10.Mr.Lakshmi Shankar, learned counsel appearing on behalf of the petitioner argued that along with the tender documents the petitioner also encloses a form 1.4 addressed to the Superintending Engineer (H) Construction and Maintenance, Madurai, wherein the following undertaking is given:

“I/We hereby distinctly and expressly declare and acknowledge that before the submission of my/our Tender, I/We have carefully studied and followed the instructions in the Tender Notice and the Tender document sand have read the Standard Specifications for Roads and Bridges, Preliminary Specifications to Standard Specification for Roads and Bridges, the specifications for Roads and Bridges of Ministry of Road Transport & Highways and IRC Specifications and that I/We have made such examination of the tender documents and of the plans, specifications, quantities and of the locations where the said work is to be done, the conditions of the work site and such investigation of the work required to be done and in in regard to the materials required to be furnished as to enable me/us to thoroughly understand the intention of the same and the requirement, covenants, agreements, stipulations and restrictions contained in the contract and in the said plans and specifications and distinctly agree that I/We will not hereafter make any claim or demand upon the Government of Tamil Nadu based upon or arisin gout of any alleged misunderstanding or misconception or mistake on my/our part of the said requirement, covenants, agreements, stipulations and restrictions and conditions in executing the work. I/We shall keep the rate of progress of work stipulated in the tender notice.”



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11.This undertaking is akin to the Work Site Inspection Certificate as the petitioner confirms that he has visited the site in the above statement. He would submit that since the rejection of his bid was only on account of the fact that the Work Site Inspection Certificate has not been granted, the impugned order has to necessarily be set aside. He would also contend that the representation seeking Work Site Inspection Certificate had been submitted in respect of all works vide letter dated 23.09.2025, which was also received by the authority concerned. Having made a request for issuance of Work Site Inspection Certificate and Plant and Machinery Working Condition Certificate, it is rather unbelievable to state that the petitioner has refused to sign the said document.

12.The learned Additional Advocate General would clearly state that the reason for introducing the submission of the Work Site Inspection Certificate and Plant and Machinery Working Condition Certificate, in the special condition -II, was on account of the fact that the tenderers without visiting the site are submitting their bid and thereafter contend that they are not able to complete the tender work within the time stipulated. Therefore, it was decided to make work site inspection as a prerequisite condition for submission of the



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tender document, so as to ensure that the successful tenderer does not withdraw his bid thereafter citing difficulties on site. He would submit that the petitioner who had chosen to accept the work and submit the Work Site Inspection Certificate for tender Nos.32, 34 and 35, had chosen not to accept the certificate with reference to tender No.31 for the reasons beset known to him. Therefore, the tender had been rejected.

13.Heard the learned counsel on either side and perused the materials placed on record.

14.The reason for rejection is non-filing of the Work Site Inspection Certificate and Plant and Machinery Working Condition Certificate by the petitioner. The petitioner would contend that the same was not issued to him by the second respondent and the second respondent would submit that the petitioner has chosen not to accept the same. This is the disputed question of fact, which cannot be gone into in this writ petition.

15.However, considering the fact that the tender condition had clearly stipulated that every tender document had to be accompanied by the Work Site Inspection Certificate and Plant and Machinery Working Condition Certificate



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and since these certificates have not been uploaded by the petitioner in respect of tender No.31, the rejection of the bid is very much in order and in tune with the terms of the tender. Therefore, this Court under Article 226 of the Constitution of India cannot investigate the disputed question of fact. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

11.11.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
Rmk



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P.T.ASHA, J.

Rmk

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