



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 24-03-2026**

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**THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY**

**WP No. 2767 of 2022**

**and**

**WMP No. 2925 of 2022**

Service Master Clean Limited,  
Through its Assistant Vice President,  
Mr. Shailendra Tiwary,  
Having his Registered office at:  
Plot No.18, 3rd Floor, DDA Community Centre  
Okhla Phase 1,  
Delhi 110 020.  
Also at 3rd Floor, Salman's SVP Arcade  
D. No.333/188, Arcot Road,  
Kodambakkam, Chennai 24.

..Petitioner(s)

Vs

1. Jawaharlal Institute of Post Graduate  
Medical Education and Research,  
Dhanwantari Nagar,  
Puducherry Pin 605 006  
Through its Director
2. Deputy Director (Admin)  
Jawaharlal Institute of Post Graduate Medical  
Education and Research,  
Dhanwantari Nagar,  
Puducherry 06.

..Respondent(s)

Prayer: This writ petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration declaring that the order of debarment with No.JOSW 5(2)/2019 (Conf) dated 27.11.2021 passed by the 2nd respondent whereby the Respondents have debarred the petitioner and its successor from participating in their tendering process for a period of two (2)



years in stark violation of principle of natural justice and fair play as illegal arbitrary bad in law, unlawful, unjustified and therefore, null and void ab initio.

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For Petitioner(s) : M/s.Deepika Murali

For Respondent(s) : Mr.M.T.Arunan, CGSC

### **ORDER**

This writ petition is filed to declare that the order of debarment with No.JOSW 5(2)/2019 (Conf) dated 27.11.2021 passed by the 2nd respondent whereby the Respondents have debarred the petitioner and its successor from participating in their tendering process for a period of two (2) years in stark violation of principle of natural justice and fair play as illegal arbitrary bad in law, unlawful, unjustified and therefore, null and void ab initio.

2. The case of the petitioner is that they have engaged in the business of interalia providing integrated facility management services, health care management services, residential facility management services, government facility management services to various private and public sector entities. Pursuant to a tender floated by the first respondent for outsourcing of 24/7 housekeeping, sanitation and multi-tasking services, the petitioner submitted their bid and succeeded in the same and entered into the contract. Initially, they entered into a contract for a period of one year i.e., with effect from 01.07.2015 and thereafter, it was extent till 15.04.2020. Being satisfied with the



performance of the petitioner, one Hawa Singh, an administrative officer of the respondents institution issued a performance certificate to the petitioner on 20.03.2020, which was shared to the petitioner through Whatsapp. Later, the said performance certificate was submitted to the Railway Hospital, Mysore for participating in their tender, who in turn referred back the certificate to the respondents institution for verifying the genuinity. However, the respondents herein issued a show cause notice dated 06.06.2020 to the petitioner stating that the petitioner has faked the said certificate for participating in the aforesaid tender and sought reply for the said incident. Though a detailed reply was filed by the petitioner, the respondents have passed an order dated 27.11.2021 by debarring the petitioner from participating in any tender of the respondents institution for a period of two years. Challenging the said order, the petitioner has come forward with the present writ petition.

3. Learned counsel for the petitioner would submit that in order to hide the internal dispute among the respondents officials, they issued a show cause notice dated 06.06.2020 stating that the petitioner has faked the performance certificate. There is no necessity for the petitioner to forge the said certificate, since they have worked in the respondents institution for a period of five years i.e., from the year 2015 to 2020 and entitled for the said certificate. However, without considering the said aspect, the respondents have debarred the petitioner by virtue of the impugned order dated 27.11.2021.



4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. In the case on hand, the petitioner successfully bid the tender of the respondents institution and completed the work without any de-fault. Therefore, the petitioner is entitled for performance/experience certificate. Upon the request of the petitioner, one Mr.Hawa Singh, Administrative Officer of the respondents institution issued the performance certificate dated 20.03.2020 to the petitioner. Accordingly, the said certificate was used for participating in the House keeping tender of Railway Hospital, Mysore, who verified the genuinity of the said certificate before the respondents. Under this situation, the respondents came forward and issued a show cause notice dated 06.06.2020 stating that they have not issued the said certificate and the same was forged by the petitioner.

6. As rightly contended by the petitioner, there is no necessity for the petitioner to forge the performance certificate and they are legally entitled for the same, since they have worked for a period of five years in the respondents institution without any default. Just because of enmity and ego of the officials in the respondents institution, the petitioner cannot be put into hardship. Therefore, without any application of mind and consideration of petitioner's



legal entitlement of performance/experience certificate, the respondents have debarred the petitioner from participating in the tenders of the respondents institution for a period of two years, which is liable to be set aside and the same is hereby set aside.

In the result, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

**24-03-2026**

Index: Yes/No  
Speaking/Non-speaking order  
Neutral Citation: Yes/No

VM

To:

1. The Director,  
Jawaharlal Institute of Post Graduate  
Medical Education and Research,  
Dhanwantari Nagar,  
Puducherry Pin 605 006.
2. The Deputy Director (Admin)  
Jawaharlal Institute of Post Graduate Medical  
Education and Research,  
Dhanwantari Nagar,  
Puducherry 605 006.



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**KRISHNAN RAMASAMY J.**

**VM**

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