

(1996) 02 MAD CK 0097

In the Madras High Court

Case No : Writ Petition No. 1488 of 1996

AR. P. Murugesan

APPELLANT

Vs

The Govt. of Tamil Nadu and Others

RESPONDENT

Date of Decision : 09-02-1996

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1996) 1 CTC 374

Hon'ble Judges : Shivaraj Patil, J

Bench : Single Bench

Advocate : E.M. Sudarsana Natchiappan, for the Appellant; D. Krishnakumar, G.A.(W) Advocate, for the Respondent

Final Decision : Dismissed

Judgement

Shivaraj Patil, J.—Heard the learned counsel for the petitioner and the learned Government Advocate.

2. The petitioner in this writ petition has sought for a writ of certiorarified Mandamus calling for the records on the file of the third respondent relating to Notification No. Ka.Po/VV/V3/111303/95 dated 3.1.1996 and quash the same with respect to condition No. 2. and directing the respondents to consider the tender of the petitioner.

3. The learned counsel for the petitioner contended that the condition No. 2 of the impugned re-tender notification dated 3.1.1996 is bad and arbitrary in law. Although the Government Order authorities the petitioner to undertake the work of the value of Rs. 25,00,000/- on contract, by the impugned re-tender notice, opportunity is denied to the petitioner with mala-fide intention.

4. When the learned counsel for the petitioner complained that the tender schedule forms are not issued, I directed the Government Advocate to take notice, and today on instructions the learned Government Advocate brought to my notice that the petitioner did not satisfy condition No. 2 of the re-tender

notice, and as such he was not given the tender schedule forms.

5. The petitioner having not complied with condition No. 2 of the re-tender notice, in my view, he is not eligible to get the tender schedule forms. The averments made in paragraph 6 of the affidavit about the mala-fide intention is too vague to be accepted. At any rate the impugned condition is in the re-tender notification and the petitioner cannot claim any right on that basis when he has not complied with the said condition No. 2. There is no justification or valid ground to say that condition No. 2 is bad in any way. Under the circumstances, the writ petition is rejected.