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(2009) 05 JH CK 0037

In the Jharkhand High Court

D.N. Thakur and Others — APPELLANT

Vs

Union of India (UOI) and Others — RESPONDENT

Date of Decision : 25-05-2009

Acts Referred:
Constitution of India, 1950 — Article 226

Citation : (2009) 05 JH CK 0037

Hon'ble Judges : Dhirubhai Naranbhai Patel, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

D.N. Patel, J.—Present petition has been preferred mainly against the Press Notice issued by the respondents which is dated 20th of March, 2009, whereby tenders have been invited from the interested parties for the work of construction of Hundred Bedded Girls Hostel at N.I.F.F.T., Hatia, Ranchi including internal water-supply, sanitary installation, Drainage and Internal Electrical installation against the Press Notice.

2. The present petition has been preferred mainly for reason that the respondent-Government ought to have invited two different and distinct tenders instead of one composite tender under that belief, the present petition has been preferred.

3. Having heard learned Counsels for both the sides and looking to the facts & circumstances of the case, I see no reason to entertain this writ petition for the following facts & reasons:

(I) There is no legal vested right in the petitioner to get a Public Notice inviting tenders only for electrical work from the Respondent-Government nor there is any public duty vested in the Government to issue two separate different or distinct tenders one for civil work and another for electrical work.

(II) It appears from the facts of the case that the respondent-Government has issued a public notice inviting offers for the work of construction of Hundred

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Bedded Girls Hostel at NIFFT, Hatia, Ranchi including internal water-supply, sanitary installation, Drainage and Internal Electrical installation. It. all depends upon wisdom of the respondent-authority how to invite the offers from the public at large. Annexure-2 is a Public Notice inviting tenders/offers. All that depends upon exigency and need of the Government. In exercise of the writ jurisdiction I am not going to bifurcate one tender, into more than one tenders.

(III) It is expected by the present petitioner that instead of one tender, composite tender for the civil work as well as for the electrical work, there ought to have been two separate tenders so that petitioner who is having expertise knowledge upon electrical work can participate into the electrical work contract. This expectation has no basis under the law. Mere expectation is not enforceable. When this Court raise a query that under which law a composite tender cannot be invited learned Counsel is unable to point out any legal provision, but, learned Counsel for petitioner is relying upon some guidelines which are not enforceable as they are not issued./enacted, under any Act or Rules or Regulations, and, therefore, I am not inclined to invoke the jurisdiction vested in this Court under Article 226 of the Constitution of India for grant of any relief to the petitioner.

(IV) Looking to the urgency in the construction of Girls Hostel, the respondents can always invite a composite tender for civil work as well as for the electrical work. Always when a residential type of construction is to be done, civil as well as electrical work will go to other there shall always be a composite tender.

(IV) If the argument canvassed by the petitioner is accepted, then for every construction work there must be more than two or three tenders one for civil, another for electrical work, and third for hydraulic work (for water work) etc. Such type of tenders may not be invited by the respondents as there is no duty vested in the respondents as envisaged by the petitioner or as prayed by the petitioner.

4. In view of these aforesaid facts, there is no substance in the writ petition and, therefore, it is hereby dismissed.

5. In view of the final disposal of the writ petition, the I.A. stands disposed of.

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