

(2016) 07 P&H CK 0208
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 13549 of 2016.

**Krishan Kumar - Petitioner @HASH Lala Lajpat Rai University of
Veterinary and Animal Sciences, Hisar and Others**

Date of Decision : 13-07-2016

Acts Referred:

Constitution of India, 1950 — Article 14

Citation : (2017) 1 SCT 168

Hon'ble Judges : Ajay Kumar Mittal and Ramendra Jain, JJ.

Bench : Division Bench

Advocate : Shalender Mohan, Advocate, for the Petitioner

Final Decision : Dismissed

Judgement

Ramendra Jain, J. - Krishan Kumar has filed the present writ petition under Articles 226/227 of the Constitution of India, seeking a writ in the nature of certiorari to quash the action of respondents No.1 and 2, recommending the names of respondents No.3 to 5 vide recommendation dated 06.06.2016 (Annexure P-4), for allotment of six tenders in terms of the advertisement dated 10.05.2016 (Annexure P-2). Further prayer has been made to quash clause 8 of general terms and conditions of the advertisement dated 10.05.2016. The petitioner has also prayed for issuance of a writ in the nature of mandamus directing respondents No.1 and 2 to allot the tenders to him, being the lowest bidder.

2. It is the case of the petitioner that in terms of advertisement dated 10.05.2016 (Annexure P-2) issued by respondents No.1 and 2, he applied for all the six tenders of outsourcing various services in different departments of the respondent University. The grievance of the petitioner is that despite the fact that he was the lowest bidder for all the six tenders, respondents No.1 and 2 recommended the names of respondents No.3 to 5 for allotment of all the six tenders.

3. Learned counsel for the petitioner contends that though the petitioner was the lowest bidder for all the six tenders, yet vide recommendation dated 06.06.2016

(Annexure P-4), his name was not recommended even for a single tender. In the said recommendation, no reason has been assigned to reject the name of the petitioner. Learned counsel further contends that clause 8 of the general terms and conditions of the advertisement dated 10.05.2016 is illegal and arbitrary.

4. We have considered the submissions made by learned counsel for the petitioner and perused the contents of the writ petition.

5. Clause 8 of the general terms and conditions of the advertisement inviting the tenders in question, reads as under :-

"The right of acceptance of the tender will rest with the Committee which does not bind itself to accept the lowest bid and reserves the authority to reject any or all tenders without assigning any reason thereof. The committee will have powers to negotiate with service provider/contractor."

The aforesaid clause was very well within the knowledge of the petitioner, while he applied for the tenders. Before applying for the same, he did not question this clause. Being the lowest bidder is not a qualification for allotment of tender. Other factors are also to be considered by the party inviting tenders. Clause 8 as quoted above is general in nature and does not confer any substantive rights on the parties bidding for the tender. It could not successfully be substantiated that Clause 8 of general terms and conditions of the advertisement dated 10.05.2016 inviting tenders was arbitrary in any manner.

6. In this case, tenders were called for different activities. Respondents No.1 and 2 were well within their right to allot the tenders to any contractor without assigning any reason for the same. Giving of such reason was not a pre-requisite. The Committee constituted by the Vice Chancellor of the respondent University for allotment of tenders considered the rates quoted by various firms/contractors, viability of the rates and examined other related documents. After considering all the points/instructions issued from time to time, the Committee recommended the allotment of three tenders to respondent No.3; one tender to respondent No.4 and the remaining two tenders were allotted to respondent No.5. Nothing was demonstrated that the allotment of tenders to respondent Nos. 3 to 5 was for extraneous considerations or actuated with malafides.

7. For the reasons recorded above, we do not find any illegality or malafide in the action of respondents No.1 and 2, recommending the names of respondents No.3 to 5 vide recommendation dated 06.06.2016 (Annexure P-4), for allotment of the tenders in question. Thus, we do not find any substance in the submissions made by learned counsel for the petitioner.

8. The petition is, accordingly, dismissed.