

(2011) 03 KAR CK 0014
In the Karnataka High Court
Case No : Writ Petition No. 10249 of 2011

Mohamed Ishaqh

APPELLANT

Vs

The State of Karnataka

RESPONDENT

Date of Decision : 11-03-2011

Acts Referred:

Citation : (2011) 03 KAR CK 0014

Hon'ble Judges : B.S. Patil, J

Bench : Single Bench

Advocate : D.S. Hosmath, for the Appellant; M.C. Nagashree, HCGP, for the Respondent

Judgement

B.S. Patil, J.—Though Petitioner has sought for a declaration that condition No. 6(i) of the tender form is illegal and contrary to condition No. 7 of the notification issued by the State Government vide Annexure-D, during the course of arguments, learned Counsel for the Petitioner Mr. D.S. Hosmath submits that this prayer is not pressed at present and that the Petitioner will be satisfied if the second prayer made regarding the direction sought to Respondent No. 2 to issue tender form to the Petitioner is allowed and the Petitioner is permitted to participate in the process in accordance with law.

2. Learned Counsel for the Petitioner submits that though the Petitioner was desirous of participating in the tender and therefore approached Respondent No. 2 seeking issue of tender forms, the request made was rejected and the Petitioner was not furnished with the tender forms and therefore, he was unable to submit the tenders. It is his contention that as the last date for issuing tender forms was 10.03.2011, Petitioner was forced to approach this Court when the forms were not issued.

3. Having regard to the grievance made by the Petitioner, learned Government Pleader was permitted to take notice and secure instructions. It is contended by the learned Government Pleader that the Petitioner did not approach Respondent

No. 2 for issuing tender forms.

4. Though this is a disputed question of fact, it is to be seen that the Petitioner had in fact approached this Court on an earlier occasion by filing a writ petition aggrieved by the cancellation of his contract on the ground that he had produced incorrect certificates regarding his past experience. The grievance of the Petitioner is that because he had approached this Court earlier, Respondent No. 2 denied the opportunity to the Petitioner to participate in the tender process by denying issue of tender forms. As the Petitioner is desirous of participating in the tender process and as he has approached this Court well within time, I find that a direction has to be issued to Respondent No. 2 to issue the tender form immediately.

5. Petitioner shall approach Respondent No. 2 on 12.03.2011, whereupon he shall be issued with necessary tender form. Petitioner shall submit the tender forms on 13.03.2011. The authorities are at liberty to consider the same in accordance with law. Accordingly, petition stands disposed of.

Learned Government Pleader is permitted to file the memo of appearance within 3 weeks from today.