

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 11541 of 2005

Between:

Abyudaya Yuvajana Seva Sangam Rep.by its President N.Koteswara
Rao,S/o.Punna Rao Age 32 years, R/o.,C/o. Prabhakara Reddy, Govt. Hospital
Quarters Chitala Prakasam Dist.

..... PETITIONER

AND

- 1 The Commissioner, A.P Vaidya Vidhana Parishad
Sultan Bazar Hyderabad.
- 2 The District Co-ordinator of Hospital Services, District Head Quarters
Hospital Ongole, Prakasam Dist.
- 3 The Hospital Development Society Rep.by Convenor
Area Hospital, Chirala, Prakasam Dist.
- 4 The Medical Superintendent
Area Hospital, Chirala Prakasham Dist.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in issuing tender in Rc.No.61/A1/2005, dt.5-5-2005 to the extent of calling tenders for sanitation work in the 4th respondent hospital, as illegal, arbitrary and contrary to the G.O.Ms.No.539, Health Medical & Family and Welfare (M7) Dept., dt.8-11-1993 against the principles of natural justice and violative of Article 19(i)(g) of the constitution of India, consequently direct the respondents not to proceed further for allotment of sanitation work in the Area Hospital, Chirala, Prakasam Dist, as per the tender notification issued in Rc.No.61/A1/2005, dt.5-5-2005.

Counsel for the Petitioner: MR.K.L.N.SWAMY

Counsel for the Respondents: MR.S.A.WAHEED SHABAZ , S.C. for A.P.V.V.P.

The Court made the following :

ORAL ORDER:

It is stated that the petitioner-Society is the contractor and he has been carrying out the sanitation work in the 4th respondent-hospital for the last four years. Though the actual period of contract is six months, it has been extended from time to time. As per the orders of the Government in G.O.Ms.No.539 HM&FW (M7) Dept., dated 8.11.1993, the period of contract should be commenced from 1st April to 31st March of every year and tenders should be finalized on or before 15th March. But, in the instant case, the tender notification was issued on 5.5.2005 which is contrary to the said Government Order. It is further stated that the period of contract of the petitioner was extended from 1.4.2005 to 30.9.2005 and in spite of the extension orders, the tender notification was issued, which is contrary to the said Government Order. Though the 4th respondent-Medical Superintendent, Area Hospital, Chirala recommended the 1st respondent-Commissioner to issue necessary orders in favour of the petitioner to continue the sanitation work for another six months i.e. from 1.4.2005 to 30.9.2005, I do not see any extension order as such that has been granted by the 1st respondent.

Therefore, I am of the opinion that the petitioner has no vested right for continuation of the said sanitation work. The value of the sanitation work has to be competed by way of participation in the tender. No legal or factual right of the petitioner has been infringed. Therefore, The petitioner is not entitled to continue the sanitation

work in the 4th respondent-hospital. I do not see any merit in this writ petition.

The writ petition is accordingly dismissed. In the circumstances of the case, there shall be no order as to costs.

(V. ESWARAIAH, J.)

24th May, 2005

bcj

To

- 1 The Commissioner, A.P Vaidya Vidhana Parishad,
Sultan Bazar Hyderabad.
- 2 The District Co-ordinator of Hospital Services, District Head Quarters
Hospital, Ongole, Prakasam Dist.
- 3 The Convener, The Hospital Development Society
Area Hospital, Chirala, Prakasam Dist.
- 4 The Medical Superintendent
Area Hospital, Chirala Prakasham Dist.

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6 1 CC to MR.SWAMY