

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 30TH NOVEMBER 2011 / 9TH AGRAHAYANA 1933

WP(C).No. 31721 of 2011(M)

PETITIONER(S):

**K.MUHAMMED KUNHI
S/O.IBRAHIM, AGED 42 YEARS,
HAJIMOTTA, P.O.,KOLLIASSERY, KANNUR DIST**

**BY ADVS. SRI.A.K.ABDUL AZEEZ
SRI.T.K.SASINDRAN
SRI.RENJIT GEORGE**

RESPONDENT(S):

**1. THE REGISTRAR, KANNUR UNIVERSITY
MANGATTUPARAMBA, KANNUR UNIVERSITY CAMPUS P.O.
KANNUR DIST-670567**

**2. KANNUR UNIVERSITY,
MANGATTUPARAMBA, KANNUR UNIVERSITY CAMPUS P.O.
KANNUR DIST-670567
REP.BY ITS VICE CHANCELLOR**

R1 & R2 BY ADV. SRI.M.SASEENDRAN,SC,KANNUR UNIVERSITY

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30/11/2011, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

VK

WP(C).No. 31721 of 2011(M)

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE LETTER OF NOGOTIATION DATED 28.9.2011.

EXT.P2. COPY OF THE NOTIFICATION DATED 10.10.2011

**EXT.P3. COPY OF THE LETTER SUBMITTED BEFORE THE 2ND RESPONDENT
DATED 21.10.2011.**

EXT.P4. COPY OF THE NOTIFICATION DATED 30.11.2011.

RESPONDENT'S EXHIBITS : NIL

/ TRUE COPY /

P.A. TO JUDGE

VK

ANTONY DOMINIC, J.

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W.P.(C) No. 31721 of 2011 M
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Dated this the 30th day of November, 2011

J U D G M E N T

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Petitioner is a transporting contractor, providing vehicles for transportation on contract basis. He has filed this writ petition, seeking to quash Ext.P4 tender notice published by the respondent University and to direct the first respondent to execute an agreement with. According to the petitioner, initially, when tender notice was published, he was called for negotiation by Ext.P1. It is stated that, despite his rates being competitive, Ext.P2 tender notice was again published and the University called ineligible tenderers for negotiation. It is stated that thereupon he filed Ext.P3, requesting for acceptance of his tender. While the representation was pending, the University again issued Ext.P4 tender notice. It is in these circumstances, the writ petition has been filed.

2. According to the petitioner, he was the previous

contractor and that in spite of having offered competitive rates, his tender is not accepted. On the other hand, from the statement filed by the Standing Counsel for the respondents, what has come out is that in response to the first tender issued by the respondents on 15.09.2011, yet another person was the lowest tenderer. He was awarded the contract but he refused to execute the work order. It is stated that it was thereupon Ext.P2 tender notice was issued and then also, yet another person was the lowest tenderer. That person also refused to execute the work order and it was therefore that Ext.P4 has been issued.

3. From the submissions thus made on behalf of the respondents, it is clear that, at no stage, petitioner was the lowest tenderer. Therefore, by successive tenders invited by the University, none of the legal rights of the petitioner stands violated. Even otherwise it is always open to the University to invite fresh tenders in order to attract fresh tenderers. In such circumstances, I am not inclined to think that there is any

illegality in Ext.P4.

4. Learned counsel for the petitioner submits that the petitioner be given an opportunity to submit his offer in response to Ext.P4. A reading of Ext.P4 shows that tenders are to be submitted before 3 p.m. on 30.11.2011. Now that the time has not expired, it is clear that it will be open to the petitioner to submit his tender within the time specified in Ext.P4 and if such a tender is made, it will be considered in accordance with law.

Writ petition is disposed of as above.

Sd/-
(ANTONY DOMINIC, JUDGE)

aks/30/11

// True Copy //

P.A. To Judge