

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 4564/2025

M/s. Chemicals India, 27, Mahadev Nagar, Near Nandpuri, Hawa Sadak, 22 Godam, Jaipur 302019, Through Its Partner Shri Dhiraj Pathak

----Petitioner

Versus

1. State Of Rajasthan, Through Secretary, Department Of Medical Education, Government Of Rajasthan Secretariat, Jaipur.
2. Rajasthan Medical Education Society (Directorate Of Medical Education), Chikitsa Shiksha Bhavan, Near Pink Square Mall, Opp. Psychiatric Centre, Janta Colony, Jaipur 302004 (Raj.) Through Director.
3. First Appellate Authority, Joint Secretary, Medical Education (Gr-1) Department, Secretariat, Jaipur (Raj.)
4. Second Appellate Authority, Principal Secretary, Medical Education Department, Government Of Rajasthan, Secretariat, Jaipur (Raj.)
5. Radical Scientific Equipments Private Limited, 9Th Milestone, Ambala-Jagadhri Road, P.o. Khuda Kalan, NH 444A, Ambala Cantt-133104A, Through Head Institutional Business Vikram Singh Chouhan.

----Respondents

For Petitioner(s) : Mr. R.K. Daga
Mr. R.P. Garg

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

09/04/2025

Learned counsel for the petitioner submit that tender was issued by respondent No.2 for the supply of Microscope Binocular (Faculty) among other items. It is submitted that six bidders including the petitioner participated in tender. It is contended that during a technical evaluation, all other bidders except the petitioner were found non-responsive for various reasons. It is contended that financial bid was opened on 13.06.2024 thereafter, contract was executed between the petitioner and respondent No.2 and petitioner deposited the performance security amount of Rs.75,57,900/- (Seventy Five Lakh Fifty Seven Thousand Nine Hundred Rupees) to respondent No.2. It is argued that being

aggrieved by the rejection of bid an appeal was filed by respondent No.5 and by way of giving a reasoned order, the said first appeal was dismissed by the first appellate authority vide order dated 19.07.2024. It is argued that thereafter, second appeal was preferred by respondent No.5 and same was allowed vide order dated 03.02.2025 and the bidding process leading to the declaration of the petitioner as successful bidder was cancelled and it was further directed that proceedings should be initiated against the petitioner for forfeiting the Bid Security and he should be debarred from participating in future procurements for three years, without following the principles of natural justice. It is argued that the order passed by second appellate authority is without jurisdiction as the first appeal filed by respondent No.5 was itself not maintainable in view of second para of Section 38 of Rajasthan Transparency in Public Procurement Act, 2012.

In view of above, issue notice to respondent Nos.1, 2 & 5 through both the process. Rule is made returnable within a period of six weeks.

Requisites be filed within a period of 10 days, failing which, this petition shall stand dismissed automatically without further reference to the Bench.

Till next date of hearing, parties are directed to maintain status quo with regard to the supply of Microscope Binocular (Faculty) which is mentioned as item No.19 in E-Tender Notice dated 27.06.2023.

(ANIL KUMAR UPMAN),J