

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 6119/2025
CNR: RJHC020336822025 | URN: CW / 14411U / 2025

M/s A B Diagnostics, Having its Registered Address- Plot No. 50/41, Ground Floor, Rajat Path, Mansarovar, Jaipur, Through Its Proprietor Arun Sharma S/o B N Sharma, Aged 45 Years, R/o 69/65, VT Road, Mansarovar, Jaipur, (Rajasthan)

----Petitioner

Versus

1. State of Rajasthan, Through Secretary, Medical Education Department, Secretariat, Jaipur.
2. Directorate, Medical Education Department, Opp. Manochikitsa Kendra, Janta Colony, Jaipur.
3. Principal And Controller, SMS Medical College, JLN Marg, Jaipur.
4. Medical Superintendent Cum Member Secretary, RMRS, Hari Bux Kanwatia Hospital, Shastri Nagar, Jaipur.
5. Rajasthan Medicare Relief Society, Through Member Secretary, Hari Bux Kanwatia Hospital, Shastri Nagar, Jaipur.
6. M/s Devvrat Enterprises, Through Partner, Rakesh Kumar Sharma, Official Address- Plot No.- 26, Ma Karni Nagar- E Karni Palace Road, Panchyawala, Jaipur- 302034, Residential Address- A-6, Deepak Nagar, Paldi Meena, Agra Road, Jaipur- 302031. Authorized Representative, Krishna Kumar Yadav, Address- Fojiyon Ki DhaniDadarBawadi, Post Jalsu, District Jaipur- 303701
7. Shenzhen New Industries Biomedical Engineering Company Limited (SNIBE), No. 23, Jinxiu, East Road, Pinoshan District, 518122 Shenzhen, P.R. China.
8. M/s. Immunoshop India Private Limited, Registered Office, 309, Raheja Arcade, Sector-11, CBD, Belapur, Navi Mumbai, Maharashtra, India.
9. Avantor Performance Materials India Private Limited, Registered Office, 19th Floor, Building No. 5, Tower C, DLF Cyber City, Phase-II, Gurgaon- 122002, Haryana, India.
10. Union of India, through Secretary, Ministry of Home Affairs, North Block, New Delhi-110001
11. Union of India, through Secretary, Ministry of Health and Family Welfare, Room No.402-D, Nirman Bhawan, New Delhi-110011.

----Respondents

For Petitioner(s)	:	Mr. Harsh Sharma Mr. Vipin Kumar Ladwal
For Respondent(s)	:	Mr. Archit Bohra, AGC Mr. Yashwant Singh Mr. Ajatshatru Mina Mr. Swadheen Singh Mr. Pankaj Choudhary for Mr. Kapil Kumar Khandelwal Mr. Khem Chand Sharma

HON'BLE MR. JUSTICE MANEESH SHARMA

01/09/2026

1. The present writ petition has been filed with the following prayer:-

"It is, therefore, most humbly prayed that this Writ Petition may kindly be accepted and allowed and:-

(i) by issuing appropriate writ, order or direction in the nature thereof quash and set-aside both the impugned Technical Evaluation Report dated 17.01.2025 passed by respondent No.4 and the impugned order dated 20.03.2025 passed by respondent No.2;

(ii) by issuing appropriate writ, order or direction in the nature thereof, direct the respondent No.4 to award the tender in favour of the petitioner firm for providing best quoted rates in view of RTPP Act, 2012 and RTPP Rules, 2013;

(iii) Any other order, direction or relief, which this Hon'ble High Court may deem fit and proper, be passed in favour of the petitioner."

2. Learned counsel for the respondents raises a preliminary objection at the threshold and submits that the petition has been rendered infructuous by efflux of time. He points out, with reference to the impugned NIT dated 25.11.2024, that total duration prescribed for the execution of subject work was strictly fixed at one year, and that the said period has since expired on 09.12.2025. He further urged that now no subsisting cause of action survives and any adjudication on the impugned conditions would be purely academic.

3. Learned counsel for the petitioner does not dispute the factual position that the period of one year prescribed for the performance of the contract under the impugned NIT has come to an end. However, he submits that having regard to the nature of the dispute, certain serious questions involved in the present writ petition require to be addressed.

4. Heard the submissions made at bar and perused the material available on record.

5. From a bare perusal of the record, it is evident that the E-tender was issued on 25.11.2024 for a period of one year commencing from 09.12.2024 and at the initial stage itself, the proceedings of the said tender were stayed by a Co-ordinate Bench of this Court vide interim order dated 14.07.2025. Consequently, the tender was never implemented during its subsistence.

6. It is also noteworthy that nothing has been placed on record to show that the said period was extended, renewed, or otherwise revived. Thus, it is apparent that the period for which the E-tender was issued has already elapsed on 09.12.2025. Therefore, in view of the expiry of the tender period itself, the present writ petition has been rendered infructuous. Thus, this Court is of the considered opinion that nothing survives for consideration in the present petition.

7. Accordingly, the writ petition is dismissed as having been rendered infructuous.

8. It is, however, clarified that this Court has not expressed any opinion on the merits of the rival contentions, including the legality or reasonableness of the conditions contained in the impugned NIT, and all questions in that regard are left open. In the event a fresh NIT is issued in respect of the same or similar work, it shall be open to the petitioner to assail the same in accordance with law, if so advised.

9. All pending application(s), if any, shall stand disposed of.

(MANEESH SHARMA),J