

Government of Jammu and Kashmir
Office of the Principal/Dean
Government Medical College, Srinagar
(Legal Section)

In the matter of: **Consideration order in case of WP (C) No 3112/2024**
titled Mohammad Muzamil wani Vs UT of J&K and ors.

Order No :- 014 of 2025

Dated : 27/05/2025.

1. Whereas, the petitioner through the medium of the present writ petition is seeking the following reliefs:

I. Issue a writ of Mandamus, direction or order in the nature of mandamus commanding the respondents to allow the Attorney holder to perform the sanitation services for government medical college and its associated hospitals Srinagar allotted to the petitioner.

II. A writ of Mandamus, direction or order in the nature of mandamus commanding the respondents not to disturb/interfere in the sanitation services for government medical college and its associated hospitals Srinagar except due course of law

III. Any other order or direction may be passed which the Hon'ble court may deem fit and appropriate.

2. Whereas, the Hon'ble Court was pleased to pass an order dated 01.01.2025. The Operative portion of the order is reproduced as under:

"In the meantime, the representations submitted by the petitioner and his principal with the respondents shall consider and decision thereon shall be taken within a period of 15 days from today. The result of the consideration along with the reply shall be filed by next date of hearing.


3. Whereas, the respondents issued e-tender notice 10 of 2024 dated 30-07-2024 bearing No. NIT/e-sanitation/10 of 2024 for outsourcing of sanitation services at GMC & its associated hospitals Srinagar.

4. Whereas, the various applicants responded the said tender notice and participated in the tendering process initiated by the respondents, however the tender of Mr. Naseer Ahmad Shiekh was found lowest and accordingly declared successful bidder by the respondents.

5. Whereas, the respondents there after issued allotment order in favour of the applicant namely Mr. Naseer Ahmad Shiekh vide allotment order dated 11-11-2024 bearing No. RCC/GMCS/RC/Sanitation services.

6. Whereas, the petitioner there after approached the respondents by way of formal representation dated 20-12-2024 that the Mr. Naseer Ahmad Shiekh due to his health conditions is not personally in a position to perform/look after the said work and other personal engagement and accordingly empowered his attorney namely Muzamil Ahmad Wani to perform the sanitation work by supervising/managing /loo after the said work.
7. Whereas, the lowest bidder that is Mr. Naseer Ahmad Shiekh is currently providing his services to the respondents department since then and is accordingly being paid by the respondents hence the claim of his ill health is absolutely baseless.
8. Whereas, as per the terms and conditions of the e-tender notice, point 18 reads as "that the **successful tenderer should be responsible for execution of the contract in full and shall not in any case assign or sublet the approved contract or part thereof to any other party.** Penalty upto 10% of the total value of the contract shall imposed for any deviation from contractual obligations, besides forfeit of earnest money deposits".
9. Whereas, the point 19 of the terms and conditions read as "that any other issues that may come up during the course of completion of contract shall be decided by the Rate Contract Committee and their order shall be final and binding upon the services Officer and approved Tenderer".
10. Whereas, The point 15 of the terms and conditions in issued contract order reads as "**the contractor will be responsible for execution of the contract in full and shall not in any case assign or sublet the approved contract or part thereof to any other party**".

Now in view of above facts and legal position quoted above and in compliance of the Hon'ble High Court order dated: 01.01.2025 in **WP (C) No 3112/2024** titled **Mohammad Muzamil wani Vs UT of J&K and ors.**, the claim of the petitioner having been considered/examined and found devoid of merit and is rejected.


Principal/Dean
Govt. Medical college
Srinagar.

No: Legal/MC/Sgr/93-96

Dated: 27/05/2025

Copy to the:

1. Secretary to Govt. Health and Medical Education Deptt. Civil Secretariat.
2. Adv, Waseem Gul Govt. Advocate
3. IT Section for uploading on official website
4. Petitioner