

**IN THE GAUHATI HIGH COURT  
(THE HIGH COURT OF ASSAM, NAGALAND, MIZORAM &  
ARUNACHAL PRADESH)**

WP (c) 223(AP)2015

**M/s. K.K.K.K. Enterprises  
Represented by its authorized  
Representative Sri Gakop Romin  
S/o Tago Romin, C/o M/s. K.K.K.K. Enterprises  
Gumin Nagar, PO & PS - Aalo,  
West Siang District.**

***...Petitioner***

Advocates for the Petitioner:

Mr. Marto Kato  
Mr. B. Sora  
Mr. J. Kamdak  
Mr. R. Karbi

**-Versus-**

1. The Government of Arunachal Pradesh represented by the Chief Secretary, Government of Arunachal Pradesh, Itanagar.
2. The Secretary, Department of Education, Government of Arunachal Pradesh, Itanagar.
3. The Director of School Education, Department of Education, Government of Arunachal Pradesh, Itanagar.
4. The Director of Elementary Education, Department of Education, Government of Arunachal Pradesh, Itanagar
5. The State Project Director, SSA Rajya Mission, Government of Arunachal Pradesh, Itanagar.
6. The Deputy Commissioner, West Siang District, Aalo, Arunachal Pradesh.
7. The Deputy Director of School Education, West Siang District, Aalo.
8. M/s. T. R. Enterprises, represented by its proprietor Sri Toi Romin, resident of Liromoba, West Siang District, Arunachal Pradesh.

***.....Respondents.***

Advocates for the Respondents:

Mr. R. H. Nabam, Addl. Advocate General, Arunachal Pradesh

Mr. Tagum Jamoh, standing counsel, Education Department

Mr. P. K. Tiwari

Mr. Kamal Saxena

Mr. H. K. Jamoh

**:::BEFORE:::**

**HON'BLE JUSTICE Dr.(Mrs.) INDIRA SHAH**

Date of hearing : 26.06.2015.

Date of Order : 21.08.2015

**ORDER(CAV)**

Heard Mr. P. K. Tiwari, learned senior counsel, assisted by Mr. Kamal Saxena, learned counsel, appearing on behalf of the petitioner.

Also heard Mr. R. H. Nabam, learned Additional Advocate General, Arunachal Pradesh, assisted by Ms. Pubi Pangu, learned Government Advocate, for State Respondents and Mr. Marto Kato, learned counsel for private Respondent No. 8.

**2.** By filing this petition under Article 226 of the Constitution of India, the petitioner M/S K.K.K.K. Enterprises; represented by its representative Mr. Gakop Romin; has challenged the impugned Board Proceeding dated 26.03.2015 whereby M/s T.R. Enterprises(Respondent No. 8, herein) was selected as the Mid-Day Meal Carriage Contractor for West Siang District, Arunachal Pradesh.

**3.** The petitioner's firm is a registered class-I Contractor having its office at Gumin Nagar at Aalo of Arunachal Pradesh. The said Sri Romin has been authorized to file the instant writ petition by virtue of authorization letter executed by the sole proprietor of M/S K.K.K.K. Enterprises.

**4.** It is alleged in the writ petition that the private Respondent No. 8 is a black-listed PDS Contractor and the mid-day meal carriage contract was arbitrarily awarded to him during the bye-poll election of 27-Liromoba Assembly Constituency when model code of conduct was in force.

**5.** In consequence to various complaints, the respondent No. 7 on behalf of respondent No. 6, issued the order dated 23.03.2015 whereby all 4(four) applicants of mid-day meal carriage contract, were directed to appear at the Office of the Deputy Commissioner, West Siang District, Aalo, on 26.03.2015, for final verification of the documents submitted by them. Accordingly, the petitioners and others, participated in the Board Proceeding. However, vide impugned order dated 26.03.2015, the private respondent No. 8's Firm, namely, M/s T.R. Enterprises was selected as the mid-day meal carriage contractor for 2(two) years and a deed of agreement was signed between the respondent authorities and private Respondent No. 8, on 31.03.2015.

**6.** It is further alleged that a NGO by the name of West Siang District Corruption Committee, investigated into the alleged involvement of respondent No. 7(Deputy Director of School Education, Government of Arunachal Pradesh, West Siang District, Aalo), in mismanagement and corruption of public money and it was revealed that around Rs. 80 Crores have been withdrawn from official accounts by the Respondent No. 7 and his authorized representatives. Therefore, an First Information Report(FIR) was lodged by the said NGO, against the respondent No. 7 and the matter is pending before the Investigating Agency.

**7.** It is also alleged that the involvement of private Respondent No. 8 in PDS scam, is subjudice in PIL 50/2004.

**8.** A preliminary objection has been raised by the respondents as regards the *locus-standi* of the instant petitioner, however, it is submitted by the learned counsel for the respondent that the petitioner is neither the proprietor of M/s K.K.K.K. Enterprises nor had participated in the Board proceeding. The instant petitioner is not the aggrieved person who can sought relief under Article 226 of the Constitution of India. The petitioner has annexed a copy of the authorization letter which shows that the proprietor of M/s K.K.K.K. Enterprises had authorized the petitioner to participate in the tender process and do all the needful for execution of the work.

**9.** The said authorization letter is neither a registered document nor it was authenticated by a notary or any competent authority. On perusal of the

documents, it appears that the petitioner had participated in the Board proceeding, as representative of M/s K.K.K.K. Enterprises.

**10.** There is nothing on record to suggest that the respondent No. 8 is a black-listed PDS contractor. Moreover, he has denied the allegation that he is a black-listed PDS contractor. The objection of the respondent side that the petitioner has no *locus-standi* to file the instant writ petition, in view of the authorization letter and participation of the petitioner, cannot be entertained, at this stage.

**11.** It is seen that the official respondents are yet to file their counter affidavit.

**12.** List the matter for admission, after 3(three) weeks.

**13.** In the meantime, the state respondents may file their counter affidavits and produce the relevant record, on the next date fixed.

**JUDGE**

*Bhask*