

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD  
R/SPECIAL CIVIL APPLICATION NO. 14312 of 2023  
With  
R/SPECIAL CIVIL APPLICATION NO. 14314 of 2023  
With  
R/SPECIAL CIVIL APPLICATION NO. 14318 of 2023  
With  
R/SPECIAL CIVIL APPLICATION NO. 14332 of 2023  
With  
R/SPECIAL CIVIL APPLICATION NO. 14333 of 2023

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M/S. SPIRE ENTERPRISE  
Versus  
GOVERNMENT E-MARKETPLACE SPV

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Appearance:  
MR RJ GOSWAMI(1102) for the Petitioner(s) No. 1  
MR UTKARSH SHARMA, AGP for the Respondent(s) No. 1,2,3,4,5,6

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CORAM: **HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE  
SUNITA AGARWAL**  
and  
**HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE**

Date : 22/08/2023

ORAL ORDER

(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL)

1. All the writ-petitions are arising out of the same tender process and have been heard and are being decided by this common judgment.
2. Heard Mr. R.J. Goswami, learned counsel for the petitioner and perused the records.
3. The challenge to the tender awarded in favour of respondent No.2 pursuant to the bid dated 30.05.2023 for procurement of services of respondent No.6 for outsourcing

of manpower on the ground that the method known as “Random Algorithm” adopted by the respondent No.2 in selection of all tenderers placed in L-1 category, cannot be said to be fair and transparent. The contention is that though “Random Selection” was made through the machine but the information in the machine was inserted by the officers who cannot be said to have been acted in a fair manner. It is then submitted that even no information was given to the writ-petitioner or other tenderers after the selection in the Random Selection, till the work order is issued to the selected tenderer.

4. Noticing the manner in which the selection of respondent No.6 has been made in the instant case through machine by adopting the method of random algorithm, we are of the considered view that this is the most transparent and fair manner of selection of tenderer for providing the services of outsourced man power. As no human intervention has been made in the selection of one of the tenderer who was also placed as L-1, no arbitrariness can be attached to the selection process. As the decision making process is found to be transparent and fair, we do not find it a fit case for interference. The contention of learned counsel for the petitioner that this is a clear case of violation of Article 14 of the Constitution of India inasmuch as two similarly placed

persons have been discriminated is found to be misconceived, inasmuch as, Article 14 does not come into play in the tender process.

5. Moreover, the manner in which, the selection has been made through machine and no one is informed that the person selected till work contract is issued, would remove all possibility of human intervention at any stage of the award of contract.

6. For the aforesaid, we found the writ-petitions being misconceived. The writ-petitions are accordingly dismissed.

**(SUNITA AGARWAL, CJ)**

**(ANIRUDDHA P. MAYEE, J.)**

Manoj Kumar Rai