

Item No.168

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(Via Video Conference)

29.01.2021
Ct-24

WPA No.2182 of 2021

Akbor Ali & Ors.

v.

State of West Bengal & Ors.

Mr. Jayanta Kumar Das

Mr. Gourav Das

Ms. Madhumanti Das

Mr. V. Dhar

... for the petitioners.

Mr. N.C. Bihani

Ms. Papiya Banerjee Bihani

... for the State.

None appears on behalf of the Panchayat despite service.

The allegation of the petitioners is that the Pradhan of the Gram Panchayat has not issued the requisite forms for allowing them to participate in the notice inviting Tender No. 10/S-IGP/2020-21 and also NIT No. 11/S-I GP/ MGNREGS/20-21 dated December 18, 2020.

The petitioners applied before the Pradhan by a letter dated January 11, 2021 praying for issuance of the tender form. The same was not provided to the petitioners. The petitioners thereafter made a representation before the Block Development Officer by a letter dated January 13, 2021 and before the Sub-

Divisional Officer, Chanchal, Malda dated January 14, 2021. The representation was also sent to the office of the District Magistrate on January 14, 2021.

It appears that the Block Development Officer, Ratua-II Development Block requested the Pradhan, Sripur-I, Gram Panchayat to clarify as to whether the complaint that was filed by the petitioners was correct or not. Though the petitioners are not aware as to whether the explanation was provided by the Prodhan to the BDO, but the learned advocate appearing on behalf of the State respondents, and particularly the Block Development Officer, submits upon instruction, that the Pradhan has intimated the Block Development Officer that though the petitioners applied within the time as specified in the NIT but thereafter did not take any step for collecting the tender form.

Prima facie, the stand taken by the Prodhan does not appear to be correct. Documents have been annexed in the writ petition dated January 11, 2021 which shows that the petitioners applied before the Pradhan for issuance of the tender form within the time as specified in the Notice Inviting Tender. It was the duty of the Prodhan to either hand over the tender form to the petitioners or to intimate them the reasons for not issuing the same.

In view of the above, the instant writ petition is disposed of by directing the District Magistrate, Malda being the respondent no. 2 herein to look into the allegations made by the petitioners, strictly in accordance with law, within a period of three weeks from the date of communication of a copy of this order. The said respondent shall take necessary steps against the erring officer, in the event it is found that the tender documents were not supplied to the petitioners in spite of their applying for the same, within the time as specified in the Notice Inviting Tender. The said respondent no. 2 shall pass a reasoned order and communicate the same to the petitioners immediately thereafter.

Affidavit-of-service filed in the Court today be kept on record. Deficit Court fees have been paid by filing no. A-1430.

WPA No. 2182 of 2021 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)