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11.02.2021.
d.p.

**W.P.A 4380 of 2021
(Via Video Conference)**

**Dipak Kaibarta & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Partha Sarathi Bhattacharya,
Mr. Sougata Mitra,
Mr. Rameshwar Sinha,
Mr. Raju Bhattacharya.
...For the Petitioners.**

**Ms. Sutapa Sanyal,
Ms. Susnita Saha.
...For the Respondent
Nos. 1, 2 and 3.**

**Mr. Uttam Banerjee,
Mr. A. Pathak.
...For the Respondent No.4.**

The petitioners claim to be the majority members of the Lakhanpur Gram Panchayat. They are aggrieved by the action on the part of the Pradhan in issuing notice-inviting tender on 28th January, 2021.

It is the specific case of the petitioners that the Pradhan has lost the confidence of the members of the Gram Panchayat and he does not have any right and/or authority to issue the notice inviting tender.

It has further been submitted that the notice-inviting tender has been published with the intention to accommodate certain persons who are the favoured child of the Pradhan.

The petitioners have made a representation to the Block Development Officer on 11th May, 2020 with a

prayer for removal of the Pradhan and also highlighted the illegal activities of the said Pradhan. After issuance of notice inviting tender, the petitioners have also applied before the Block Development Officer by filing a representation dated 4th February, 2021 with a prayer to set aside the notice inviting tender as the same has been issued without following the relevant rules.

A further representation was made by the petitioners along with other members of the Gram Panchayat to the Block Development Officer on 8th February, 2021 highlighting that the Pradhan did not consult with the other members of the Gram Panchayat and also without taking any resolution had proceeded to publish the notice inviting tender.

It has been categorically mentioned in the letter dated 8th February, 2021 that the tender was floated by the Pradhan by keeping the majority members of the Panchayat in dark and without any credential.

It has further been alleged that the Pradhan had allowed the persons who were close to him to participate in the tender process and the said persons do not have credentials for participation in the same.

It appears from the notice inviting tender that the dates of opening the tender are on 9th February, 2021, 11th February, 2021, 12th February, 2021 and 13th February, 2021.

The petitioners alleged that as the due dates for opening the tenders are very close and in the event the tender is opened and the work order is issued then the writ petition will become infructuous. The petitioners pray that their grievances before the Block

Development Officer are required to be urgently considered so as to stop any illegality that has been committed by the Pradhan.

The learned advocate appearing for the Pradhan does not have any instruction in the matter.

As it appears that the petitioners have already raised their grievances before the Block Development Officer by letters dated 4th February, 2021 and 8th February, 2021 and the same are kept pending, accordingly, the instant writ petition is disposed of by directing the respondent No. 3 being the Block Development Officer, Hura Development Block, Purulia to consider the representations made by the petitioners, strictly in accordance with law and to take a decision as to whether the tender has been published by following the provision of law and to ensure that there is no illegality or irregularity at the time of processing the said tender.

In the event the Block Development Officer is of the opinion that proper steps were not taken by the Pradhan at the time of issuance of the notice inviting tender, then necessary consequential steps shall be taken by the Block Development Officer to remedy the error that have been committed by the Pradhan. Steps shall be taken by the Block Development Officer at the earliest and positively within 23rd February, 2021.

The petitioners are directed to communicate this order to the Block Development Officer and the Pradhan for compliance.

WPA 4380 of 2021 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)