

Court No. 24

26.03.2021

(Item No. 170)

(AB)

W.P.A 7393 of 2021

Raju Mahato & Anr.

vs

The State of West Bengal & Ors.

Mr. Soumik Ganguly

Mr. S. Nandy

Mr. Avik Kumar Das

Mr. Dilip Kular Sadhu

..... for the petitioners

Mrs. Amrita Panja Moulick

Mr. Amitava Mitra

..... for the State

The petitioners claim to be contractors in the district of Purulia. They complain that the Panchayat Samity is floating tender without following the norms as laid down in the memorandum of the Finance Department, Audit Branch being No. 5696 F (y) dated 01.10.2019.

It has been submitted that no e-tender is being published or uploaded by the Panchayat Samity in the official website. It has further been alleged that the notice inviting tender is neither published online nor offline. Publication of the tender notice in the notice board of the Panchayat Samity is also not being made. Only the persons of the choice of the Panchayat Samity are being issued the tender forms. There is no publication of the tender notice in the daily newspaper either.

The petitioners claim that they have made a representation before the Block Development Officer

highlighting their grievance by a letter posted on 2nd March, 2021. The petitioners complain that the same has not been taken into consideration till date.

The learned advocate appearing on behalf of the State respondents submits that she does not have any instructions in the matter.

As it appears that the representation filed by petitioner is pending consideration at the end of the Block Development Officer, Arsha Block no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the Block Development Officer, Arsha Block being the respondent No. 4 herein to consider and dispose of the representation made by the petitioners, strictly in accordance with law, after giving an opportunity of hearing to the petitioners or their authorized representative, at the earliest, but positively within a period of eight weeks from the date of communication of a copy of this order.

The Block Development Officer shall consider the memorandum of the State of West Bengal Finance Department, Audit Branch as mentioned herein above at the time of taking a decision in response to the representation filed by the petitioners.

The said respondent shall pass a reasoned order and communicate the same to all the necessary

parties, including the petitioners, immediately thereafter.

It is made clear that this Court has not entered into the merits of the claim made by the petitioners and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioners.

The petitioners are directed to forward a copy of the communication posted to the Block Development Officer, Arsha Block on 02.03.2021 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)