

S/L 23
17.11.2021
Court. No. 19
GB

WPA 17369 of 2021

Smt. Pratima Giri
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

Mr. Kalipada Chakraborty.
...for the Petitioner.

Mr. Jahar Dutta,
Sk. Md. Musud.
...for the State.

Mr. P.C. Maity.
...for the Respondent Nos.9 & 10.

The petitioner is a member of the No.4 Manjushree Gram Panchayat. The contention of the petitioner is that although the petitioner is entitled to have copies of the notices inviting tenders and be present at the meetings with regard to the opening of the bid documents and selection of the bidders, the petitioner was not served with such notices and could not be present during such meetings. It is further submitted by the petitioner that the tender notices were not published widely and the panchayat manual was not followed.

The first point raised by the petitioner is that the petitioner was entitled to copies of the notice inviting tender seven days' in advance. The next contention of the petitioner is that as the work orders involved amounts above 5 lakhs, publication in one local daily newspaper widely circulated in the area must have been made along with display of the

notices inviting tenders at various places in the Gram Panchayat.

The Block Development Officer, Egra-II Development Block has filed a report before this Court through his learned advocate, inter alia, stating that the notice of the meetings were sent to the petitioner by Whatsapp and the petitioner was present during the meetings. That the staff of the Gram Panchayat office had informed the petitioner about the entire processes and the dates fixed at various stages of finalization of the bids were known to the petitioner.

The Secretary, Manjushree Gram Panchayat has filed a written version stating that the petitioner accepted the notices on September 20, 2021. Further it reveals that the work orders were issued on September 24, 2021. The bid was opened on September 22, 2021. The petitioner was also present at the time of opening the bids. The writ petition has now been filed on October 25, 2021 and the period for completion of the work is 30 days from issuance of the work order.

Under such circumstances, there is no scope for interference in the writ petition as the work orders have been issued and third party rights have been created. It is also assumed that the works are near completion, if not completed, as per the schedule mentioned in the notices inviting tender. It is also not true that the petitioner was not present and was not aware of the meetings and the tender processes. However, the petitioner has raised some

objections and complaints have been lodged with the District Magistrate, Purba Medinipur.

Records also further reveal that 17 persons participated in the two tender processes but none of these participants have complained about any irregularity. It also appears that during the scheme selection held prior to the issuance of the notice inviting tender, the petitioner was present.

Thus, as the dispute is between the members of the panchayat authorities, this Court is of the opinion that the District Magistrate must dispose of the representation of the petitioner which is Annexure-P3 to the writ petition upon hearing the petitioner as also the Secretary and the Pradhan of the Gram Panchayat.

A reasoned order shall be passed and communicated to all concerned. The entire exercise shall be completed within a period of eight weeks from date of communication of this order. The tenders have not been interfered with.

Accordingly, the writ petition is dismissed.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the learned advocate's communication.

(Shampa Sarkar, J.)