

02.09.2022  
Sl. No.7(SL)  
srm

**W.P.A. No. 19600 of 2022**

**Azahar Sk. & Anr.**

**Versus**

**The State of West Bengal & Ors.**

Mr. Pratip Kumar Chatterjee

...for the Petitioners.

Md. Galib,

Mr. Sutanu Chakranarti

...for the State-respondents.

Mr. Dilip Chatterjee,

Mr. M. Bhattacharyya,

Mr. N. C. Dey

...for the Respondent No.7.

Mr. Sagnik Chatterjee

...for the Respondent Nos.9 to 13, 15 & 16.

Affidavit-of-service is taken on record.

The petitioner alleges irregularities in the notices inviting e-tender being N.I.e-T. No.01/2022-23/15<sup>th</sup> F.C & PBG dated June 1, 2022 and N.I.e-T. No.02/2022-23/15<sup>th</sup>, F.C, 14<sup>th</sup> FC & PBG dated July 14, 2022 and alleges nepotism and favouritism.

It is submitted that the tenders were invited by the Pradhan of Amlai Gram Panchayat, instead of the *Artha-O-Parikalpana Upa-Samiti*. The relatives of the members of the said gram panchayat had participated in the e-tenders and were successful.

The learned Advocate for the panchayat authorities denies the allegations. According to him, the *Artha-O-Parikalpana Upa-Samiti* had taken all the decisions with regard to the issuance of the tender notices and also thereafter. The Pradhan had signed the notices on behalf of the gram panchayat once the decision was taken by the *Artha-O-Parikalpana Upa-Samiti*. He next submits that the members of the *Artha-O-Parikalpana Upa-Samiti* had not been impleaded as parties.

The learned Advocate for the respondent Nos.9 to 13, 15 and 16, denies the allegation of the petitioners.

Mr. Galib, learned Advocate appearing on behalf of the State-respondents, has handed over some documents. It appears that the petitioners approached the Block Development Officer, Bharatpur-I Development Block with their allegations. The concerned Block Development Officer enquired into the matter. The Pradhan has submitted his declarations before the Block Development Officer. It appears that the allegations of participation of the relatives of some of the members of the gram panchayat in the tendering processes have been accepted. With regard to N.I.e-T. No.01/2022-23/15<sup>th</sup> F.C & PBG dated June 1, 2022, the *Artha-O-Parikalpana Upa-Samiti* had resolved to issue the work orders in respect of the undisputed works keeping other

works in abeyance. With regard to N.I.e-T. No.02/2022-23/15<sup>th</sup>, F.C, 14<sup>th</sup> FC & PBG dated July 14, 2022, it had been decided that the work orders would be issued, as none of the relatives of the members, was successful.

The report of the Block Development Officer, Bharatpur-I Development Block indicates that there is one more representation with similar allegations, with regard to N.I.e-T. No.01/2022-23/15<sup>th</sup> F.C & PBG dated June 1, 2022. An enquiry in respect of the same, is going on.

The allegation that the *Artha-O-Parikalpana Upa-Samiti* did not participate in the decision to invite e-tenders, is not accepted. The report of the Block Development Officer clearly indicates that the *Artha-O-Parikalpana Upa-Samiti* was a part of the entire process. The Pradhan, as an Ex-officio member of the said *Samiti*, acted on behalf of the *Samiti*, by signing the notices inviting tender. That would not mean that the decision to invite tenders with regard to the works in question, had been taken only by the Pradhan himself and not by the *Artha-O-Parikalpana Upa-Samiti*.

Under such circumstances, the writ petition is disposed of with the directions that the Block Development Officer, Bharatpur-I Development Block to conclude her enquiry with regard to the third complaint and submit her findings on all the complaints, before the District Magistrate,

Murshidabad. The District Magistrate, Murshidabad shall further enquire into the matter and take a decision as to whether, under the circumstances which shall emerge from the report of the Block Development Officer, the tender notices under challenge should be proceeded with or cancelled.

The enquiry of the District Magistrate will be strictly confined to the allegations and findings that the Amlai Gram Panchayat, Murshidabad had allowed the relatives of the members to participate. The District Magistrate is further directed to conceive of a method of checks and balances in order to avoid such controversies in future. There are serious allegations of nepotism and favouritism against the gram panchayat. The relatives of the members participated. The report of the Block Development Officer also indicates that such allegations are, prima facie, correct. Work orders in case of none of the works shall be issued until the decision is taken by the District Magistrate.

The Block Development Officer, Bharatpur-I Development Block will communicate all her findings along with the report to the District Magistrate, Murshidabad within a period of one week from the date of communication of this order. The decision shall be taken by the District Magistrate within two weeks thereafter.

The District Magistrate may pass necessary orders for issuance of work orders and extension of time for completion, in case he finds that the tendering process with regard to some of the works are free from all kinds of disputes, allegations and controversy.

The writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

**(Shampa Sarkar, J.)**