

Item No.3
12.04.2023
Court. No. 19
GB

WPA 4167 of 2023

Md. Mursalim Sk.
Vs
The State of West Bengal & Ors.

*Mr. Anjan Bhattacharya,
Ms. Anita Shaw,*

...for the Petitioner.

*Mr. Himadri Sikher Chakraborty,
Mrs. Susnita Saha*

...for the State.

None appears on behalf of the respondent no.7. As this Court is not inclined to pass any mandatory direction but deems it fit to relegate the matter before the competent authority to decide the allegations in the writ petition, the matter is taken up in the absence of the respondent no.7.

Strangely, the Block Development Officer, Kaliachak-II Development Block has failed to furnish a report as directed by this Court.

Mr. Chakraborty, learned advocate for the State respondents expresses his helplessness in this regard and submits that despite several communications over telephone and via email, the said Block Development Officer failed and neglected to submit the report as directed by this Court.

The specific allegation of the petitioner is that the Executive Officer of Kaliachak-II Panchayat Samiti, that is the Block Development Officer had allowed the respondent no.7 to participate in an e-tender bearing NIT No.15(e)/KCK – II B.D.O./2023, on the basis of fake documents .

The writ Court is not a fact finding Court and cannot probe deeper into such allegation. The failure on the part of the Block Development Officer to apprise the learned advocate for the State by controverting the allegations, is a cause for concern.

Thus, the writ petition is disposed of with a direction upon the District Magistrate, Malda to treat the writ petition as a representation and dispose of the same in accordance with law, within a period of four weeks from date of communication of this order.

It is made clear that all parties including the respondent no.7 and the Block Development Officer/Executive Officer of the Kaliachak-II Panchayat Samiti shall be heard. A reasoned order shall be passed and communicated. All actions taken with regard to the notice inviting tender shall abide by the result of the decision of the District Magistrate.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)