

May 3, 2023
Sl. No.A 109
Court No.19
s.biswas

WPA 18635 of 2022

Emtaj Sultan

vs.

The State of West Bengal and others

Md. Sarwar Jahan

Mr. Maidul Islam Kayan

Mr. Shahzad Noor Thander

... for the petitioner

Mr. Raja Saha

Ms. Piyali Sengupta

... for the State

The writ petition, in the restricted interpretation of the Court, has become infructuous.

The petitioner has challenged the tender process on various grounds, including non-compliance of the government notification as to the process to be adopted in an e-tender. Non-publication of e-tender notice in the newspapers, acceptance of earnest money in cash at the office of the gram panchayat, non-supply of receipt, etc. are the basic challenges.

The provision of e-tender was introduced so that the persons living in areas beyond the local limits of the concerned gram panchayat could participate in the process through the centralized portal. The documents could to be uploaded in the portal. Lack of transparency, favouritism and minimum scope for arbitrariness by way of human intervention at the local level, could be avoided by such process.

The e-tender process is over and hence cannot be interfered with.

Nothing remains to be decided with regard to prayers in respect of the said e-tender notice. However, it appears that the petitioner had filed a representation before the District Magistrate, Malda, which is annexed as Annexure P/3 at page 26 of the writ petition with several allegations against the activities of the Pradhan.

The District Magistrate, Malda, shall consider the said representation of the petitioner in accordance with law and pass necessary orders, thereby formulating the guidelines as to how the e-tender processes should be conducted by the Mangalbari Gram Panchayat henceforth.

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 server copy of this order.

(Shampa Sarkar, J.)