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24.11.2023
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 23281 of 2023

Santanu Kumar Bera
Vs.
Union of India & Ors.

Mr. Suvro Prakash Lahiri,
Mr. Rajnil Mukherjee,
Ms. Deblina Sarkar,
Ms. Satabdi Dey,
Mr. Rajesh Naskar
...for the petitioner

Mr. Sanajit Kumar Ghosh
...for the respondents

1. Learned counsel for the petitioner, on instruction, submits that the successful candidate, that is, the applicant no. 1 as per the list handed over by the South Eastern Railway, is not a resident of the immediate locality but is a resident of Police Station-Bhabanipur, which is far off from the concerned area for which the invitation-in-question was issued.

2. On the other hand, it is submitted that the petitioner is a resident of the exact locality and, as such, ought to have been given preference, keeping in view the purpose of the relevant clause in the tender.

3. However, a perusal of the relevant clause, that is, Eligibility Criteria no. 2, indicates that the requirement is that the applicant “is a permanent resident in the local/same District in which the proposed station is located”.

4. There is no scope of ambiguity to the effect that the tender issuing authorities were of the opinion that people of the same locality or, alternatively, the same District would be given preference.

5. In the present case, since all the applicants were residents of the same District, no distinction can be drawn, by imposing the court’s own opinion on that of the authorities, between the immediate locality and the same District.

6. Thus, I do not find any scope of interference or any irregularity in the tender process, since all the applicants are of the same District, which satisfied the eligibility criteria and required lots to be drawn, as was done by the authorities.

7. Hence, W.P.A. No. 23281 of 2023 is dismissed on contest.

8. There will be no order as to costs.

9. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

Sabyasachi Bhattacharyya, J.