

07
13.10.2023
Court No. 24
AGM

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 24624 of 2023

**Bibhas Mandal & Ors.
-versus
The State of West Bengal & Ors.**

**Mr. Md. Sarwar Jahan
Mr. Asraf Mondal
Mr. Shahzad Noor Thander
...For the petitioners.**

**Mr. Lalit Mohan Mahata
Mr. Ziaul Haque
... For the State.**

The petitioners are 8 members of the Gram Panchayat out of total 15 members.

A meeting was conducted by the Block Development Officer, Karimpur-II Development Block on 4th October 2023 at 4 P.M. with the Pradhan and all elected members of the Gram Panchayat to discuss the pending schemes under the said Panchayat.

Immediately on the said date, the Pradhan unilaterally published notice inviting prequalification-cum-tender inviting tenders from eligible resourceful contractors.

The petitioners contend that the Pradhan does not have the jurisdiction to issue such notice inviting prequalification-cum-tender. The same is the jurisdiction and authority of the Artho and Parikalpona Upa Samity. Till the Upa Samity delegates such power to the Pradhan, the Pradhan ought not to have issued such notice.

Learned advocate representing the State respondents including the Block Development Officer fairly submits before Court that the Pradhan does not have the authority or jurisdiction to issue such type of notice.

From the impugned notice it appears that the date for technical bid opening is 16th October, 2023 and thereafter the bids will be finalized.

As according to the provision of law, the initial publication of the notice inviting e-tender is illegal and impermissible, the same cannot and ought not to be proceeded with any further.

Neither the Pradhan nor the Panchayat is represented before this Court.

In view of the above, the Block Development Officer, Karimpur-II Development Block is directed to take necessary steps to ensure that the impugned e-tender notice which was published by the Pradhan is not proceeded with any further.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)