

D/L  
Item No. 08  
01.11.2023  
KOLE/PB

**WPA 25162 of 2023**

**Shri Atanu Singha  
-Vs.-  
The State of West Bengal & Ors.**

*Mr. Biswaroop Bhattacharya,  
Mr. S. Kr. Pal,*

*...for the petitioner.*

*Mr. Tapan Kumar Mukherjee,  
Mr. Somnath Naskar,*

*...for the State.*

The petitioner has challenged one condition of the contract which is under the heading “Eligible and Qualified Bidders”. This condition is as follows:-

- 6.1. *The bidder should have supplied in any 3 (three) years after 2011 from the date of tender opening, at least 100% of the quoted quantity of the similar goods and/or services meeting major specification parameters, which has/is functioning, preferably, in a Government or corporate MCH/hospital or establishments of similar size in India.*

The petitioner has assailed this clause by pleading that the petitioner is being prejudiced by the unlawful, mala fide and arbitrary act of the respondent authorities specially of the respondent no. 7 (Medical Superintendent cum Vice Principal Midnapore Medical Collage and Hospital) and as such this clause is tailor made to suit some handful contractors.

Who are such contractors have not been mentioned in the petition nor they have been made parties.

It is only expected by the citizens or the persons who visit the hospital for different purposes that the hospital provided for housekeeping/scavenging services shall be up to the mark and

this clause of “at least 100% of the qualified quantity” in no way says something which is tailor made or which is arbitrary. It is always expected that this 100% job is required to be done, if not more, by the persons who had qualifications to participate in the tender.

Therefore, I do not find any merit in the contention of the petitioner wherein he is saying that this clause has been made suitable for some other persons and therefore, I do not find any merit in this writ petition and the same is dismissed.

WPA 25162 of 2023 is, thus, dismissed.

No costs.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

**(Abhijit Gangopadhyay, J.)**