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AGM

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

W.P.A. 24626 of 2023

**Sanat Kumar Sarkar
-versus
The State of West Bengal & Ors.**

**Mr. Gangadhar Das,
Mr. Tanmoy Chattopadhyay.
...For the Petitioner.**

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

The petitioner is aggrieved by the manner in which the Pradhan of the Mahishbathani Gram Panchayat has proceeded to invite tender and the entire tender processes all dated 27th September, 2023.

Specific submission of the petitioner is that the directions passed by the Finance Department, Audit Branch, Government of West Bengal, in Memorandum No. 2365-F(Y) dated 12th April, 2018 has not been followed.

It has been pointed out that the Earnest Money Deposit and the Tender Registration Fees have been directed to be deposited in favour of "Pradhan Mahishbathani Gram Panchayat" at a particular account number. The same ought to have been deposited in the Government pool and not in favour of the Pradhan of the Gram Panchayat.

The petitioner has raised issues also with regard to the date of publication of the tender notice, the mode

of refund of the earnest money deposit, offline payment etc.

The matter was referred to the District Panchayat & Rural Development Officer, Malda for passing an order after hearing the petitioner. The District Panchayat & Rural Development Officer, Malda heard the petitioner and passed reasoned order on 27th November, 2023.

The petitioner is aggrieved by the manner in which the same has been considered by the District Panchayat & Rural Development Officer. Prayer has been made for reconsideration of the grievances by a superior authority.

Learned advocate representing the State respondents submits that reasonable opportunity was given to the petitioner to highlight all his grievances. The concerned District Panchayat & Rural Development Officer, after consideration of all the issues raised by the petitioner, has passed a reasoned order giving all facts and figures.

It appears from the submissions made on behalf of the parties that the Panchayat, for reasons best known, did not issue the work order in respect of the impugned e-tenders despite the tender being opened long back.

As the petitioner raises various issues which are required to be addressed properly, the Court directs the Department of Panchayat and Rural Development to consider the issue in its proper perspective upon affording an opportunity of hearing to the petitioner or his authorized representative.

Any Officer not below the rank of the Joint Secretary of the Department is directed to decide the issue at the earliest but positively within a period of four weeks from the date of communication of this

order. A reasoned order shall be passed and communicated to the petitioner immediately thereafter.

If the concerned officer is of the opinion that remedial measures are required to be taken, then the same shall be taken at the earliest.

Exception of the petitioner to the report filed by the District Panchayat & Rural Development Officer be retained with the records.

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.)