

Court No. 9
(265711)

WPA 29177 of 2023

03.09.2024

(A 26)

(S. Banerjee)

Shailendra Kishore Sharma
Vs.
The State of West Bengal & Ors.

Mr. Anindya Bose
Mr. Mridul Biswas

...for the petitioners

Sk. Md. Galib
Ms. Sujata Mukherjee

...for the State

The prayers in the writ petition cannot be entertained. The petitioner was engaged as a sub-contractor of the respondent no. 4 herein. The respondent No.4 was the successful bidder in a tendering process conducted by the Superintending Engineer, West Circle, Housing Directorate, Government of West Bengal, the respondent no. 2 herein. The petitioner prays for a certificate of experience from the respondent no. 2, i.e., the tendering authority, so that he may use the same in future, to his benefit.

Learned advocate for the respondent authorities submits on instruction, that the sub-contractor was engaged by the respondent no. 4, i.e., the contractor who was selected by the tendering authority. There was no privity of contract between the petitioner and

the respondent no. 2. Thus, the respondent no. 2 cannot be directed to issue an experience certificate to the petitioner. The petitioner may proceed with the respondent no. 4 in this regard. Thus no order can be passed in this writ petition.

The fact remains that the tendering authority was not in any way connected with the sub-contractor. The agreement also does not disclose any such privity between the respondent no. 2 and the petitioner. The agreement provides that a sub-contractor may be engaged by the contractor. Such engagement was an independent action of the contractor.

Under such circumstances, the writ petition is disposed of. The petitioner may take steps by requesting the respondent no. 4 to grant him the necessary certificate.

Written instruction filed is taken on record.

All the parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)