

11.09.2025
Item No.24
Ct. No.42
ss

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

W.P.A. 10529 of 2025

**Murshid Jahan
-Vs-
The State of West Bengal & Ors.**

Mr. Dhananjoy Nayak
... for the petitioner

Mr. Jahar Lal De, Ld. AGP
Mr. Rudranil De
... for the State

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. By the present writ petition, the petitioner seeks for direction upon respondent authorities not to give effect to the notification declaring private respondent Nos.5 and 6 as the successful bidder Nos.1 and 2 respectively in respect of the work for installation of water treatment plant in front of Ator Ali, C/o. Hayat Mondal at Ramnagar Natunpara under Kalinagar-I Gram Panchayat and not to allot work orders in their favour.
3. The petitioner contends that he participated in notice inviting e-tender No.07/15th/CFC/2024-25 floated by respondent no.2, Pradhan, Kalinagar-I Gram Panchayat for installation of water treatment plant in front of Ator Ali, C/o. Hayat Mondal at Ramnagar Natunpara under Kalinagar-I Gram

Panchayat (APP No.11/2024-25, Fund 15th CFC/2024-25). The private respondent No.5 has been declared as a successful bidder though the credential submitted by him has not been certified by the Executive Officer of the Panchayat Samiti as per the terms of the notice inviting e-tender. The brother of private respondent No.6 who has also been selected as successful bidder, is a member of Malibari-I Gram Panchayat. As per notification of the Additional District Magistrate, Murshidabad dated 17th October, 2019, a person is debarred from participating in tender process if his relative is a member or *karmee* of a Gram Panchayat. Therefore, respondent no.6 is not an eligible candidate. Being aggrieved by such action of the respondent authorities, the petitioner has preferred the present writ petition.

4. Mr. Dhananjay Nayak, learned Advocate for the petitioner submits that private respondent No.5 has failed to upload the document with authentication of the Executive Officer of Panchayat Samiti as required under the e-tender notification. Therefore, the selection of respondent No.5 is improper and should be set aside. So far as private respondent No.6 is concerned, his brother namely, Nur Islam is a member of Malibari-I Gram Panchayat and as such his application should have been dismissed at

the very initiation since it violates the terms of notification of Additional District Magistrate, Murshidabad dated 17th October, 2019. The respondent authorities ought to have adhered to their terms as provided in the aforesaid notification. It is settled rule of administrative law that an executive authority must be rigourously held to the standards by which it professes its actions to be judged. In support of his submission, he relies on a decision of the Hon'ble Supreme Court in ***B.S. Minhas versus Indian Statistical Institute & Ors.*** reported in **(1983) 4 SCC 582**. In light of his aforesaid submissions, he seeks for setting aside of the entire tender process and directing the respondent authorities to issue fresh tender for effecting such work.

5. On the contrary, Mr. Jahal Lal De, learned Additional Government Pleader appearing for the State submits that at the outset the respondent No.5 has not been selected as a successful bidder. The private respondent No.6 is the successful bidder. Referring to annexure P-5 of the writ petition namely notification dated 17th October, 2019, he indicates that the bar would operate if the e-tender is issued by a Panchayat where the relative of a bidder is a member or *karmee*. If the member or *karmee* is of a different panchayat and is not

carrying on any business or profit with the bidder, it would not create any bar. He seeks for dismissal of the writ petition. He files documents furnished by the District Panchayat and Rural Development Officer, Murshidabad dated 11th July, 2025, which is taken on record.

6. At the outset, on going through point No.9 of the Statement of facts dated 9th July, 2025 submitted by Block Land and Land Reforms Officer, Raninagar-II, Murshidabad, it is found that the successful bidder L1 is the private respondent No.6 Rabiul Islam and work order has been issued in his favour. Therefore, the argument advanced on behalf of the petitioner raising grievances with regard to declaring respondent No.5 as a successful bidder becomes irrelevant.
7. The objection to selection of private respondent No.6 Rabiul Islam as successful bidder is on the ground that his brother Nur Islam is a member of Malibari-I Gram Panchayat. As per the notification dated 17th October, 2019, a person who is a relative of a member or employee of the concerned gram panchayat or a Panchayat Samiti which issued the tender and has business and profit relationship with such member or employee is debarred from submitting bid. It is not in dispute that the brother of respondent no.6 namely Nur Islam is a member

of Malibari-I Gram Panchayat. Be that as it may, nothing has been placed on record to show that respondent No.6 is carrying on business and sharing profits of such business with Nur Islam, who is a member of Malibari-I Gram Panchayat. In view of the above, the argument advanced on behalf of the petitioner relying on *B.S. Minhas (supra)* does not stand to reason.

8. Such being the position, the writ petition falls short of merit.
9. Accordingly, the writ petition being no. **WPA 10529 of 2025** stands dismissed.
10. Interim order, if any, stands vacated.
11. All connected applications, if any, stand dismissed.
12. There shall be no order as to costs.
13. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
14. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)