

D/L 12
19.05.2025
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 10982 of 2025

Banshi Dhar Majhi

Vs.

The State of West Bengal & Ors.

Mr. Pratik Dhar, Sr. Adv.
Mr. Rameshwar Sinha
...for the Petitioner.

Mr. Sk. Md. Galib, Sr. Govt. Adv.
Mr. Abu Siddique Mallik
...for the State.

1. Affidavit of service filed in Court today is taken on record.
2. The writ petition revolves around a Notice Inviting Tender floated by the Deben Mahata Government Medical College and Hospital. The petitioner participated in the bidding process. It appears that there were more than one L1 bidders. The petitioner was one of them. The authority accepted the bid of one out of nearly eight L1 bidders. The petitioner is aggrieved by the same.
3. It has been submitted that the petitioner is the most competent person to provide the service as sought for in the tender. The petitioner provided service to the hospital earlier for the longest period of time, including the covid period, up to the utmost satisfaction of the authority.
4. Learned advocate representing the respondent authority relies upon the instruction forwarded by the tender inviting authority.
5. The minutes of the meeting of the tender committee held from time to time has been placed before this Court and

a copy of the same has been handed over to the learned advocate for the petitioner.

6. It appears therefrom that, admittedly, there were more than one L1 bidders. The authority took note of the Memorandum No. 2320-F(Y) dated 7th June, 2022 where the procedures to be followed in case of a tie are mentioned. The authority observed that there is a provision for equal distribution of the work among the consenting L1 bidders.
7. The tender committee also took note of the fact that there was a representation made by the student representatives and the staff representatives with a request to allot work to one single company instead of multiple companies in the best interest of the organization. The incident of one of the previous agencies who had defaulted in payment of salary, ESI and EPF benefit and its termination for having been absconded all of a sudden was also taken note of.
8. Keeping in view its operational and administrative issues in the best interest of the public service, the tender committee decided to award the contract in favour of the bidder who provided the largest number of personnel in a single contract during the last three years. Forty-eight hours time limit was given to the bidders to clarify their stand with regard to the procedure sought to be adopted by the committee for selecting the appropriate bidder.
9. After forty-eight hours it was found that there has been no submission regarding differences in statistics of man power. Keeping in view the best interest of the public, the tender committee decided to select the contractor who

supplied the number of personnel in a single contract during the last three years for allocation of the work.

10. After careful and thorough re-analysis of all the credentials submitted by all the L1 bidders and further deliberations on all the aspects, one CFS emerged as the agency in compliance of the norms set by the authority. The committee unanimously resolved to provide work order and execute the contract with CFS Management Private Limited for a period of three years.
11. The committee further held a meeting and resolved to issue the award of contract and to execute the contract with CFS Management Private Limited for a period of one year with effect from 1st May, 2025 to 30th April, 2026, likely to be extended for a maximum period of three years. The award of contract has been duly executed.
12. The minutes of the meeting of the tender committee placed before this Court contains the signatures of the MSVP, Principal, Accounts Officer Assistant Superintendant (Non Medical) and the Pharmacist (in charge) of the hospital.
13. On a perusal of the documents placed before this Court it appears that, the work order in question was issued in favour of the successful bidder in the end of April, 2025 with effect from 1st May, 2025. The petitioner has approached this Court by filing the instant writ petition affirming the same on 14th May, 2025, that is, long after the work actually started. The successful tenderer has not been impleaded as party respondent in the instant writ petition.
14. On a perusal of the documents, the stand of the authority in selecting the successful bidder, from

amongst a host of tie bidders, does not appear to be unreasonable. On the contrary, it appears that enough deliberations were made by the members of the tender committee and thereafter a decision has been taken to select the successful bidder in the best interest of the public.

15. The Court is not inclined to interfere with the decision taken by the authority. No ground has been made out by the petitioner calling for interference.

16. The writ petition fails and is hereby dismissed.

17. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)