

25-09-2025
Item No.8
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
Appellate Side

WPA No.23296 of 2025
Raj Kumar Ghosh
-vs-
State of West Bengal & Ors.

Mr. Biswajit Hazra
Mr. Archhisman Sain ...for the petitioner

Mr. Biswabrata Basu Mallick, AGP
Ms. Sujata Mukherjee ...for the State

1. The petitioner intends to participate in response to a notice inviting tender (NIT) dated September 11, 2025 floated by the Principal, Rampurhat Government Medical College & Hospital.
2. According to the petitioner, the conditions prescribed in the NIT requiring every sweeper to render services daily in each shift comprising of eight hours of continuous duty with half-an-hour break in between is contrary to clause 13(1)(b) of the Code on Wages, 2019 published by the Ministry of Law and Justice (Legislative Department).
3. Clause 13(1)(b) prescribes that where the minimum rates of wages have been fixed under the Code, the appropriate Government may provide for a day of rest in every period of seven days which shall be allowed to all employees or to any specified class of employees and for the payment of remuneration in respect of such days of rest.
4. It has further been alleged that there is a

requirement in NIT for providing fourteen unskilled cleaning and housekeeping staff. Without a supervisor, it is neither practicable nor possible to supervise the work of fourteen unskilled staff.

5. It has been submitted that with similar requirements, a notice inviting tender was floated in the year 2024 which was challenged by the petitioner by filing a writ petition being WPA No.22584 of 2024 (Rabindranath Ghosh v. The State of West Bengal & Ors.), and on the day of consideration of the said writ petition on September 9, 2025, it was submitted by the State respondents that the notice inviting tender stood cancelled due to administrative reasons.
6. Plainly said, the petitioner is aggrieved by the terms and conditions incorporated in the notice inviting tender. Prayer has been made to, inter alia, rectify the offending terms and conditions.
7. On a perusal of the time schedule of the tender, it appears that the pre-bid meeting was to be held on September 15, 2025 (wrongly mentioned as September 15, 2022). The online bidding process started from September 15, 2025 and the closing date of the online bid submission is October 13, 2025.
8. As the bidding process is still on, the Court is not inclined to exercise its jurisdiction in the matter. Since the petitioner has raised an issue, the same shall be considered by the authority.
9. The authority shall ensure that any condition contrary to the provision of law ought not to be made a part of the terms and conditions of the tender document.

10. It is, however, made clear that the tender-issuing authority is the best person to know about its requirement and any person interested to submit the bid is required to act in accordance with the terms and conditions of the NIT.
11. The writ petition stands disposed of.
12. Affidavit of service filed in Court be taken on record.
13. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
14. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]