

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

W.P.A 25104 of 2024

**Sri Nirupam Chandra Das
-versus
The State of West Bengal & Ors.**

**Mr. Anindya Halder.
Mr. Zubair Ahmed.
...For the petitioner.**

**Mr. Swapan Kumar Pal.
...For the respondent no. 5.**

**Mr. Sirsanya Bandopadhyay. SSC
Mr. Ritesh Kumar Ganguly.
... For the State.**

1. The matter relates to Notice Inviting E-Tender dated 21st February, 2024 vide Memo No. DH&FWS/2024/1440 issued by the Member Secretary, DH&FWS & Chief Medical Officer of Health, Paschim Medinipur.

2. The petitioner participated in the Tender process along with the private respondent. The petitioner and the private respondent both emerged as L1 bidder.

3. Learned advocate for the petitioner asserts that a meeting was called where the petitioner and the private respondents appeared and there was a consensus for division of work between the two L1 bidders.

4. The petitioner submits that as the private respondent no. 5 has concluded his term, accordingly,

the work order is liable to be issued in favour of the petitioner for the next term.

5. Learned advocate representing the private respondent no. 5 submits that his client was the lowest bidder with the best credentials and, accordingly, work order has been issued in favour of his client and the private respondent no. 5 is performing the work.

6. Learned advocate representing the State respondents has obtained instruction from the Chief Medical Officer of Health, Paschim Medinipur. It appears therefrom that in the meeting the parties did not agree to reduce their bid amount. The Authority followed the financial norms as prescribed in situation III A(ii) in memorandum of the Finance Department, Audit Branch, Group T no. 2320/F(Y) dated 7th June, 2022.

7. The credentials of the private respondent no. 5 being better, the said private respondent was treated as the best bidder and work order has been issued in his favour. The private respondent is performing his work in terms of the work order issued.

8. The submission of the petitioner that there was a consensus in the meeting for distribution of work is categorically denied by the respondents. The same also does not appear from the document of financial evolution prepared by the Tender Issuing Authority where the petitioner was also present and his signature recorded.

9. No relief can be granted to the petitioner in the instant case.

10. The writ petition fails and is hereby dismissed.

11. Instruction forwarded by the CMOH, Paschim Medinipur be retained with the records.

12. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)