

15-01-2025
Item No.93
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
Appellate Side

WPA No.25811 of 2024
Nawal Kishore Singh
-vs-
State of West Bengal & Ors.

Mr. Sunil Kumar Gupta ...for the petitioner

Mr. Swapan Kumar Pal
Ms. Mahuya Dutta Biswas
Ms. Srijani Mukherjee ...for respondent no.5

1. The writ petition relates to a tender floated by the Midnapore Medical College & Hospital for cleaning and scavenging/housekeeping services in the said medical college. The petitioner and the private respondent both participated in the tender process.
2. The allegation of the petitioner is that the respondent authority illegally and arbitrarily rejected the bid of the petitioner at the technical stage by ignoring the documents relied upon by the petitioner which were already on record.
3. Specific contention of the petitioner is that the private respondent does not possess the credentials to participate in the tender process, far less being awarded the contract. According to the petitioner, the documents submitted by the private respondent were not in conformity with the terms and conditions of the tender.
4. An objection was raised by the petitioner on July 23, 2024 which is yet to be considered.
5. Learned counsel representing the private

respondent denies the allegation of the petitioner. It has been submitted that the offer of the private respondent was accepted only after verification of all credentials submitted by him.

6. None represents the hospital. Affidavit of service is on record.
7. From the submission made on behalf of the parties and upon perusal of the material on records it appears that the contract has already been awarded in favour of the private respondent and that the same is valid till October 2027.
8. The Court is not inclined to enter into the merits of the allegation raised by the petitioner at this stage as the tender issuing authority is competent to deal with the allegations raised by the petitioner.
9. As the allegations of the petitioner are primarily against the fourth respondent being the Medical Superintendent cum Vice-Principal of the Midnapore Medical College & Hospital, accordingly, the Court directs the Principal of the said medical college to consider the grievance of the petitioner and verify whether the fifth respondent possesses the credentials for being awarded the contract. An opportunity of hearing may be allowed to the petitioner and the private respondent prior to taking a final decision in the matter.
10. A decision shall be taken in the matter at the earliest but positively within a period of eight weeks from the date of communication of this order.
11. If the allegations of the petitioner are found to be proper, then necessary remedial steps shall be taken by the Principal of the college forthwith.

12. The writ petition stands disposed of.
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]