

17.02.2026
Item No.10.
Ct. No.15
Suman

WPA 1593 of 2026

Johiruddin Mondal
-Vs-
The State of West Bengal and Ors.

Mr. Sayan Banerjee
Ms. Suparna Dutta
Ms. Tusi Naskar
..for the petitioner

Mr. Gourav Das
..for the State

This writ petition is liable to fail primarily on the ground of non-joinder of necessary and proper parties.

The grievance of the petitioner is that his bids, submitted pursuant to a Notice Inviting Tender dated December 17, 2025, issued by the Office of the Block Development Officer, Raninagar-I Development Block, Murshidabad, were arbitrarily rejected.

Learned counsel appearing for the petitioner submits that the petitioner had submitted his bids in respect of serial nos.4 and 5 on December 31, 2025. The tenders pertained to the installation of Solar Street Lights in two different Gram Panchayats under Raninagar-I Development Block, Goas, Murshidabad. Thereafter, on January 14, 2026, the Tender

Committee evaluated the bids and rejected the same, inter alia, on technical grounds.

The present writ petition, however, was filed on January 21, 2026, i.e., seven days after the issuance of the work orders, without impleading any of the successful bidders as parties. Undoubtedly, the successful bidders are proper and necessary parties to this writ petition.

Notwithstanding the above, this Court has proceeded to examine the merits of the contentions raised by the petitioner, despite his failure to implead the successful bidders as parties.

As noted above, the petitioner's bids were rejected by the Tender Committee on the grounds of lack of requisite financial credentials and absence of the required technical experience.

The eligibility criteria in the tender notice dated December 17, 2025, inter alia, reads as follows:

“The eligibility criteria are given below:-

- 1) *Intending tenderers should produce credentials of a similar nature of work of the minimum value of 40% of the estimated amount put to tender during 5(five) years prior to the date of issue of this tender notice;”*

This Court finds no justification in the decision of the Tender Committee to reject the petitioner's bids on the ground of lack of financial credentials.

It appears from the value of tender works previously executed by the petitioner, as reflected at

page 57 of the writ petition, that the petitioner possesses the requisite financial credentials to participate in the present tenders. This aspect has not been seriously disputed by the respondents.

It is also not in dispute that the petitioner has executed the following nature of works during the five years preceding the issuance of the relevant tender notice:

*“SUPPLY, ERRECTION OF 16M HIGH
MAST LED STREET ILLUMINATION SYSTEM AT
VIKANPUR MORE OF LOCHANPUR G.P UNDER
RANINAGAR-I BLOCK”*

Therefore, the only question that remains to be decided is whether the aforesaid nature of works executed by the petitioner can be regarded as “works of a similar nature” for the purposes of the tenders involved in the present writ petition.

There is no dispute before this Court that the relevant tenders are governed by the West Bengal Gram Panchayat Procurement Manual issued by the State Government. Chapter 6 of the said Manual deals with the “Principal Tender Stage for Works.”

Clauses 6.6 and 6.6.1 of the said Chapter are reproduced below:

“6.6. Similar Nature of Work: The Gram Panchayats need shall analyse the documents submitted by the Contractor as proof of credibility, eligibility or credential at the time of selection of eligible bidder for works contract under general works, sanitary or plumbing works and electrical works.

6.6.1. List for similar nature of work (Annex-23) cannot be declared as exhaustive

but indicative to guide and help the Gram Panchayat or Artha-O-Parikalpana Upa-Samiti on behalf of Gram Panchayat to enable them to reach to a decision for selecting potential bidder to execute any work”

Learned counsel appearing for the petitioner refers to the following portion of Annexure-23 to the writ petition.

“C. Category of Electrical Works

A	INSTALLATION OF WIRING, CASING, FITTING WORKS			REMARKS
i)	WIRING AND FITTING WORKS	a)	Installation, repairing of wiring/ casing/conceal wiring	Similar Nature
		b)	Fitting of light (FL Tube/Lamp/ LED Lamp etc.)/ Fan/ A.C. / Geiger/ M.C.B. (6-20Amp)/ inverter / DG set/ other domestic electrical appliances	Similar Nature
ii)	INSTALLATION OF PUMP	a)	Installation of pump motor set (hp) / submersible pump/ jet pump / bridge pump (0.5-2 hp) etc.	Similar Nature
		b)	Installation of street light/ street Solar Light /solar plant	Similar Nature

It is argued that, in view of the aforesaid, the “installation of solar street lights” ought to be treated as similar to the installation of a “High Mast LED Street Illumination system” as executed by the petitioner pursuant to an earlier work order.

The resolution of the Tender Committee dated January 14, 2026, however, explicitly makes it clear that, in respect of all bidders including the petitioner, the Committee decided to accept experience relating only to the installation of solar street lights. No other credentials were considered to be valid.

Annexure-23 of the West Bengal Gram Panchayat Procurement Manual does not specifically indicate what nature of work is to be treated as

similar to the installation of solar street lights. Clause 6.6.1, as quoted above, also suggests that Annexure-23 is not exhaustive but merely indicative, intended to guide the Tender Committee in arriving at a decision regarding the acceptance of a bid.

The said Manual only suggests that, for the purpose of “installation of pumps,” experience relating to “installation of street lights/street solar lights/solar plants” is to be treated as similar. As a logical corollary, it cannot be said that, for the purpose of installation of solar street lights, experience relating to installation of LED Street Illumination system must necessarily be treated as work of a similar nature.

Annexure-23 of the West Bengal Gram Panchayat Procurement Manual is category-specific and contextual. Under the category “Installation of Pump,” the Manual permits experience in installation of street lights, street solar lights, or solar plants to be treated as similar. However, Clause 6.6.1 expressly clarifies that Annexure-23 is indicative and not exhaustive, and it merely guides the Tender Committee in evaluating credentials. The Manual does not prescribe any reciprocal or universal equivalence across all categories of electrical works. It does not provide that experience in installation of LED Street Illumination system must necessarily be treated as similar to installation of solar street lights.

Similarity declared for pump installation cannot automatically be extended to solar street light installation. In the absence of any mandatory prescription, the Tender Committee was within its jurisdiction to confine eligibility to experience in installation of solar street lights alone.

A writ court ought not to sit in appeal over the decision of a Tender Committee with respect to the evaluation of bids. Such matters are to be left to the discretion of the Tender Committee. In the present case, the Tender Committee considered only experience relating to the installation of solar street lights as a qualification for participation in the tender. This criterion was applied uniformly to all bidders, and not only to the petitioner. There is no apparent arbitrariness in the said decision, and, in the considered view of this Court, the decision does not violate the West Bengal Gram Panchayat Procurement Manual.

In view of the aforesaid discussion, **WPA 1593 of 2026** is **dismissed**.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)