

08.01.2026
Item No.30
Ct. No.1
KS

W.P.A. (P) 547 of 2025
Archana Parya
Vs.
The State of West Bengal & Ors.

Mr. Kalidas Saha
Ms. Khushi Mollick
Mr. P. Kumar Chauhan

.....For the Petitioner

Mr. Jahar Lal De, Ld. A.G.P.
Mr. Rudranil De

.....For the State

PER, PARTHA SARATHI SEN, J.:

1. By filing the instant writ petition, writ petitioner has prayed for issuance of appropriate Writ/Writs against the respondent authorities, more specifically, against the respondent nos.4 and 5 to take appropriate steps for supply of drinking water in the Nayaputh, Baguran, Benipur, Sahajatpur, Kanshibhuiya Bar, Mukundapur, Shilampur, Raghu Sardar Bar, Barchunfali, Biramput etc. under Contai – I Panchayet Samity forthwith.
2. It is submitted on behalf of the petitioner that there cannot be any predicament in allowing the instant writ petition, which is in the nature of a Public Interest Litigation, since the instant writ petition has been filed for ensuring supply of drinking water in the aforementioned villages.

3. We have gone through the report dated 17.12.2025, as submitted by the Executive Engineer, Midnapore Mechanical Division, P.H.E. Department.

4. The relevant portion of the said report dated 17.12.2025 is as under:-

“4. It is submitted that no individual has been provided with any permanent, temporary or contractual employment by the Public Health Engineering Department for the operation of the said pump houses. Hence, no appointment letter for contractual or permanent employment was issued by Public Health Engineering Department.

5. Accordingly, the P.H.E. Directorate started engaging agencies through the tender process initiated by the Tender Inviting Authority, to enable such agencies to engage personnel from the open market and engage them at their own discretion, strictly in accordance with the terms and conditions stipulated in the tender documents.

6. For the said purpose, the P.H.E. Directorate, more specifically the concerned Division, enters into agreements with the agencies. Accordingly, the P.H.E. Directorate has no direct role in the engagement of personnel, except for making payments to the agencies towards operation and maintenance activities, which include disbursement of remuneration to the personnel engaged by such agencies.

7. The agencies so engaged are issued Work Orders pursuant to the tender process, after due execution of agreements on behalf of the P.H.E. Directorate and the respective agencies. The labourers engaged through such agencies work under the control of the concerned agencies only and are accountable solely to those agencies.

8. A letter was received from the District Magistrate, Purba Medinipur vide memo no- 1166/XXV, Date- 03/12/2025 regarding the prayer for engagement as a Pump Operator under Contai-I Block. Upon receipt of the said letter, this office duly initiated the tender process in strict adherence to the prevailing rules, guidelines, and procedures.

9. Some of the schemes under the jurisdiction of the Midnapore Mechanical Division have been called for tender through the offline mode, while tenders for certain other schemes have already been invited and processed. The engagement of agencies for the operation and maintenance of these schemes are being carried out strictly in accordance with the terms and conditions of the tender documents.”

5. On a careful perusal of the entire materials, as placed before us, especially, the aforementioned report dated 17.12.2025, which reveals that the respondent

authorities have already floated tender for appointment of an agency to complete the project for supply of water.

6. In view of such, we direct the respondent authorities to complete the entire process, as has been indicated in the report dated 17.12.2025, positively within 60 working days from the date of communication of the server copy of this order.
7. Liberty is given to the learned advocate on record for the petitioner to communicate the server copy of this order to the respondent no.4 authority, who will, in turn, communicate the server copy of this order to the appropriate authority for immediate compliance of this order in its letter and spirit.
8. With the aforementioned observation, W.P.A. (P) 547 of 2025 is disposed of.
9. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(SUJOY PAUL, ACJ.)

(PARTHA SARATHI SEN, J.)