

GOVERNMENT OF WEST BENGAL
HEALTH & FAMILY WELFARE DEPARTMENT
M. S. BRANCH
SWASTHYA BHAVAN, GN-29, SECTOR-V
SALT LAKE CITY, KOLKATA-700 091

No. 59 - MS/HF/O/MS/W-06/2017

Date: 20.02.2018

From: The Joint Secretary
to the Government of West Bengal

To : 1) **The Director of Medical Education, West Bengal & E.O. Secretary, Swasthya Bhavan, Kolkata - 91**
2) **The Director of Health Services, West Bengal & E.O. Secretary, Swasthya Bhavan, Kolkata - 91**

Sub: Tender for Cooked Diet

Sir,

In enclosing herewith an order 9.2.2018 in SLP (C) No. 3347 of 2018 (Pradip Bardhan & Ors. Vs. State of West Bengal and Ors.) passed by Hon'ble Supreme Court, this is to state that the tender process for the cooked diet has been stayed.

Thus, the tender should not be opened until further instructions.

Yours faithfully,

Seel
20.02.18

Joint Secretary

Encl: As stated

to the Government of West Bengal

No.- 59 /1(7) -MS/HF/O/MS/W-06/2017

Date: 20.02.2018

Forwarded for information and necessary action to:

1. Joint Director of Health Services, H.A. Branch, Health & Family Welfare Department, Swasthya Bhavan
2. The M.S.V.P. (all)
3. The C.M.O.H. (all)
4. The Superintendent (all)
- ✓ 5. I. T. Cell for Web-posting
6. Office Copy
7. Guard File

Seel
20.02.18

Joint Secretary

to the Government of West Bengal

ITEM NO.27

COURT NO.3

SECTION XVI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (C) NO(S). 3347/2018
(ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 19-12-2017
IN MAT NO. 1970/2017 PASSED BY THE HIGH COURT AT CALCUTTA)

PRADIP BARDHAN & ORS.

PETITIONER(S)

VERSUS

THE STATE OF WEST BENGAL & ORS. RESPONDENT(S)
(FOR ADMISSION AND I.R. AND IA NO.15832/2018-PERMISSION TO FILE
ADDITIONAL DOCUMENTS)

Date : 09-02-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s)

Mr. Shyam Divan, Sr. Adv.
Mr. Udayaditya Banerjee, AOR
Mr. Swarnendu Chatterjee, Adv.
Mr. Surya Maity, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Heard the learned counsel for the petitioner and
perused the relevant material.

Permission to file additional facts and documents is
granted.

Issue notice.

Dasti, in addition, is permitted.

In the meantime, there shall be stay of the order of
the High Court of Calcutta dated 19th December, 2017 in MAT
No.1970 of 2017 as also of the tender process.

[VINOD LAKHINA]

AR-cum-PS

[TAPAN KUMAR CHAKRABORTY]

* BRANCH OFFICER

19.12.2017.
d.p.

M.A.T. 1970 of 2017
(CAN 10862 of 2017)

Pradip Bardhan & Ors.
-versus
State of West Bengal & Ors.

Mr. Saptansu Basu, Sr. Adv.,
Mr. Swarup Paul,
Mr. Surya Maity,
Mr. Anirban Chakraborty.
...For the Appellants.

Mr. Amitesh Banerjee,
Mr. Sakya Sen,
Mr. Tapas Ballav Mandal.
...For the State-Respondents.

This mandamus appeal is directed against an order passed by the learned Single Judge of this Hon'ble Court on 10th November, 2017 in the writ petition being W.P. No 26746 (W) of 2017 filed by the writ petitioners/appellants.

While considering the appeal, we found some substance in the contention of Mr. Basu, learned senior advocate appearing for the appellants that the condition as mentioned in serial no. C in the corrigendum issued by the Joint Secretary to the Government of West Bengal on 12th September, 2017 being annexure 'E' to the stay application is very much confusing and unworkable. Accordingly, we directed the learned advocate appearing for the State-respondents to take instruction in this matter.

Mr. Banerjee, learned advocate appearing for the State submits on instruction from his client that his client will issue a fresh corrigendum by deleting the clause as mentioned in serial 'C' in the corrigendum issued by the Joint Secretary on 12th September, 2017.

Since we do not find any substance in the contention of Mr. Basu, learned senior advocate appearing for the appellants with regard to the other two conditions being condition Nos. 'A' & 'B' mentioned in the said corrigendum, we dispose of this appeal with this observation that the State Government will issue a fresh corrigendum by retaining clause 'A' & 'B' mentioned in the corrigendum issued by the Joint Secretary dated 12th September, 2017, without including condition mentioned in 'C' therein in the fresh corrigendum.

The State Government is thus, permitted to issue the said tender process on the basis of the fresh corrigendum to be issued in the light of the observation made hereinabove.

Both the appeal and the application are thus, disposed of.

(Jyotirmay Bhattacharya, ACJ.)

(Sahidullah Munshi, J.)