

Item No.3

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

03.03.2021
Ct-24

W.P.A.3964 of 2021

Ismail Sk & Ors.

v

The Sate of West Bengal & Ors.

Mr. Dipankar Pal

... for the petitioners.

Mr. Chitta Ranjan Chakraborty

Mr. Partha Sarathi Ghosh

Mr. Dip Jyoti Chakraborty

Mr. Sandip Dinda

... for the respondent nos. 7 to 14.

Mr. Pantu Deb Roy

Mr. Subrata Guha Biswas

... for the State.

According to the petitioners the provisions of Rule 22(4) of the West Bengal Panchayat (Constitution) Rules, 1975 have not been followed at the time of issuance of the notice of removal of the member of the Silpo-o-Parikatham Upo Samity of Laxmipur Gram Panchayat under Kaliachak-III Panchayat Samity.

The specific allegation of the petitioners is that the notice of removal has been signed by only a single member of the Gram Panchayat. Accordingly to law, at least three members ought to sign the said notice of removal.

The Court called for a report from the Prescribed Authority. A report has been filed annexing copy of the notices of removal. It appears therefrom that all the notices have been signed by at least eight members of the Gram Panchayat.

The petitioners submit that the first page of the notice contains only one signature and rest signatures are there in the second page.

According to the petitioners the first page was only served upon them and accordingly they were not aware of the second page. The petitioners never raised any objection before the Prescribed Authority with regard to the alleged illegality in the notice of motion, with less than three members' signatures.

The Court is convinced that the Prescribed Authority acted in accordance with law and took action pursuant to the notice of removal of motion. It has been submitted in Court that the meeting which was fixed on February 8, 2021 has duly been conducted.

By order dated February 8, 2021 the Court directed that the meeting fixed shall proceed but the minutes and decision shall not be finalized without the leave of the Court.

As it appears that there was no apparent illegality in the steps taken by the Prescribed Authority and the said authority acted in accordance with the provisions of

Rule 22(4) accordingly, the Prescribed Authority shall be at liberty to give effect to the decision adopted in the meeting held on 8th February, 2021, in accordance with law.

WPA 3964 of 2021 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)