

Court No. 24

18.03.2021

(Item No. 132)

(AB)

W.P.A 6872 of 2021

Jakir Hossain Mir & Ors.

vs

The State of West Bengal & Ors.

Mr. Tanmoy Mukherjee

Mr. Amal Kumar Saha

Mr. Iresh Paul

..... for the petitioners

Mr. T. M. Siddiqui

Mr. Sandip Sarkar

..... for the State

Affidavit of service filed in Court is taken on record.

A meeting for election of the Pradhan was fixed by the Prescribed Authority and the Block Development Officer by a notice dated 25.02.2021 and 05.03.2021. The said meeting was however postponed by a notice dated 4th March, 2021 wherein it was mentioned that notice was given to all members of the Sankarpur Gram Panchayat that election of Pradhan scheduled to be held on 05.03.2021 at 1.00 P.M. has been postponed for the time being due to some unavoidable circumstances.

According to the petitioners, the statutory meeting ought not to have been postponed without giving any valid and proper reason.

The learned advocate representing the Prescribed Authority and the Block Development Officer submits that in view of the declaration of the general election in the State of West Bengal the Model Code of Conduct came into play on and from 26th

February, 2021 and accordingly the meeting has been postponed for the time being.

The learned advocate has however not been able to show any provision in the Model Code of Conduct of which bars conducting of statutory meetings.

The petitioners rely upon an unreported order of this Court dated 09.03.2021 (Nargis Sekh Vs. The State of West Bengal & Ors.) wherein the Court was of the opinion that statutory meetings ought not to be cancelled as there is no specific bar in the Model Code of Conduct. The Court also held that the time limit prescribed in law is extremely vital for holding the meeting in question.

In view of the aforesaid settled principle of law that there is no bar in holding statutory meetings, the instant writ petition is disposed of by directing the respondent No. 5 being the Prescribed Authority and the Block Development Officer, Mathurapur-I Development Block to fix up a date of meeting for holding the election of Pradhan at the earliest, but positively within a period of five weeks from the date of communication of a copy of this order.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)