

01.07.2021
(S/L-20)
Ct.-24
(S.K. & S.M)

(Via Video Conference)

W.P.A. 10791 of 2021

Mainul Islam
-Vs-
The State of West Bengal & Ors.

Mr. Atarup Banerjee.
Md. Golam Nure Imrohi
..... For the Petitioner.

Mr. Naba Kumar Das,
Mr. Debashis Chattopadhyay
.... For the State respondents.

Affidavit of service filed in Court is taken on record.

The matter relates to removal of Pradhan. The petitioner is the Pradhan of Faridpur no. 6 Gram Panchayat. A motion has been initiated by the requisitionist members for his removal.

The petitioner submits that the timeline as mentioned in the West Bengal Panchayat Act, 1973 has not been followed.

The initial notice for removal of the Pradhan was on 10th May, 2021. According to the provisions of law the entire proceeding ought to have been completed within 30 days thereafter.

It has been submitted that the meeting has been re-scheduled and fixed on 5th July, 2021 which is beyond the prescribed period of 30 days

and accordingly the entire proceeding is liable to be set aside.

It appears from the documents annexed to the writ petition that the meeting for removal of Pradhan stood deferred in view of the order passed by the State of West Bengal on 15th May, 2021, whereby the Government office have been declared to be closed and all activities with relation to administration, academic, entertainment, political gatherings and congregation have been prohibited. The said order has been issued for the purpose of combating the Covid pandemic.

Section 12 (4) of the Panchayat Act, 1973 lays down that the meeting for removal shall be held on a working day which shall not be later than fifteen days from the date of receipt of the motion by the Prescribed Authority and meeting so convened shall not be adjourned or cancelled except in pursuance of an order or direction of a competent court or for any other reason beyond control of the Prescribed Authority.

In the instant case the meeting stood deferred in view of the Covid pandemic. The same was absolutely beyond the control of the Prescribed Authority.

In view of the above this Court does not find any illegality in re-scheduling the meeting for removal of the Pradhan.

The writ petition is devoid of merits and is accordingly dismissed.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)