

16.07.2021
Court No. 19
Item no.9
sn

WPA No. 11065 of 2021

TUTUL HALSANA VS. THE STATE OF WEST
BENGAL &N ORS.

(via video conference)

Md. Sarwar Jahan
Mr. Anisur Rahaman
.....for the petitioner
Mr. Kingsuk Mondal
..for the respondent nos.6-22
Ms. Chaitali Bhattacharya
..for the State

This writ petition has been filed challenging the requisition notice dated June 4, 2021, which was signed by the respondent nos. 6 to 22 requesting the prescribed authority to call a meeting for removal of the Upa-Pradhan.

Mr. Jahan, learned Advocate for the petitioner submits that the requisition notice was contrary to the settled proposition of law decided by this Court. According to him, the requisition notice cannot contain any specific allegation of misconduct, corruption etc. against the Upa-Pradhan.

Reliance is placed on the decision of ***Ujjal Mondal Vs. State of West Bengal & Ors. reported in 2013 (1) CHN 458.*** The relevant paragraph is quoted below:-

“31. Considering that aspect of the matter, we are of the view that requisition notice in view of foundation of various illegal activities as mentioned, goes to the root of the matter and it

absolutely bad in law. Prescribed authority ought not to have entertained such requisition notice to convene a meeting of removal of present appellant from the post of Sahakari Sabhapati of concerned Panchayat Samiti.”

Ms. Chaitali Bhattacharya, learned Senior Government Advocate appearing on behalf of the prescribed authority submits that the meeting for removal of Upa-Pradhan had not been held on July 8, 2021 and no date has been fixed.

The learned Advocate appearing on behalf of the respondent nos. 6 to 22/requisitionists submits that liberty be given to the requisitionists to bring a fresh motion, in accordance with law.

Under such circumstances, this writ petition is disposed of granting liberty to the requisitionists to bring a proper requisition/motion in terms of Section 12(2) of the West Bengal Panchayat Act, 1973.

On receipt of such requisition, the prescribed authority shall act and proceed in accordance with law in terms of Sections 12(3) and 12(4) onwards and reach the requisition to its logical conclusion.

The impugned requisition dated June 4, 2021 is set aside on the ground that the same has disclosed allegations of misconduct, and mal-practices against the Upa-Pradhan.

This writ petition is thus disposed of.

There will be however no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)