

S/L 9  
23.07.2021  
Court. No. 19  
*sb/suvayan*

WPA 11654 of 2021

Abdul Sekh  
Vs.  
The State of West Bengal & Ors.

Mr. Sukanta Chakraborty  
Mrs. Sreyashee Biswas  
Mrs. Benajir Hasna  
Mr. Anindya Halder

...for the Petitioner.

Mr. Sakhaya Sen  
Mr. Amitava Lal Chatterjee

... for the private respondent.

Mr. Raja Saha  
Ms. Rupsha Chakraborty

... for the State.

The affidavit-of-service filed in Court today be kept with the record.

The writ petition has been filed challenging a notice dated July 13, 2021 issued by the prescribed authority under Form-IE, Rule 5B, sub-Rule (2) of the West Bengal Panchayat (Constitution) Rule, 1975.

It is the contention of the petitioner that the said notice for holding a meeting for consideration of the motion for removal of the Pradhan was issued beyond the prescribed period.

Mr. Raja Saha, learned advocate appearing on behalf of the State respondents submits that the meeting could not be held earlier, due to the COVID-19 situation and the advisory issued by the State Government. Subsequently, on receiving a report from the Block Medical Officer of Health,

the prescribed authority deemed it fit to hold the meeting. He submits that the situation was beyond the control of the prescribed authority and as such the meeting could not be held.

Mr. Sakhaya Sen, learned senior advocate appearing on behalf of the requisitionist submits that the period when the lockdown was going on, should be excluded while computing the period within which the notice under form 1E should be issued.

Even if, the period when the government offices were closed, is taken into consideration, the period of five working days from the date of requisition, expired. However, this Court is not expressing any opinion on the issue whether the delay due to the pandemic situation should be excluded which computing the time limit prescribed by law for calling a meeting.

The meeting has been called on July 26, 2021. The outer limit of 30 days has expired. The writ petition is disposed of granting liberty to the requisitionist to bring a fresh requisition strictly in compliance with the provisions of Section 12(2) of the West Bengal Panchayat Act, 1973. If such requisition is brought, the prescribed authority will adhere to the provisions of the statute and reach the requisition to its logical conclusion by maintaining the time period mentioned under the provisions of law.

The entire proceeding initiated on the basis of the requisition dated May 10, 2021 stands set aside and quashed.

Parties to act on a server copy of this order.

**(Shampa Sarkar, J.)**