

18th August, 2021
(D/L 14)
(SKB)

W.P.A. 12862 of 2021
(Via Video Conference)

Ibrahim Sk.
Versus
The Block Development Officer and prescribed Authority,
Lalgola Block and others

Mr. Ibrahim shaikh,
Mr. Subroto Mukherjee,
Ms. Benazir Shaikh
... for the petitioner.

Mr. Raja Saha,
Mr. Arunava Maity
... for the State.

Mr. Usof Ali Dewan,
Mr. Asif Dewan
... for respondent nos.8 to 20.

The petitioner is the Upa-Pradhan of No.1, Nashipur Gram Panchayat. He alleges that the statutory period mentioned under Sections 12(3) and 12(4) of the West Bengal Panchayat Act has not been complied with by the Prescribed Authority while fixing the date for holding the meeting for removal of the Upa-Pradhan on August 25, 2021 at 3 p.m.

Mr. Dewan, learned advocate appears on behalf of the majority of the members who have brought the requisition.

According to Mr. Dewan, the notice dated August 10, 2021 is not contrary to the provisions of the statute and the Prescribed Authority has strictly adhered to the time limit fixed by the statute.

Having heard the learned advocates for the respective parties, this court finds that the requisition was brought on August 5, 2021. The Prescribed Authority satisfied himself about the compliance of Section 12(2) of the said Act. The notice under Form 1E, sub-rule 2 of Rule 5B of the West Bengal Panchayat (Constitution) Rules, 1975 was issued on August 10, 2021, that is, within five working days as per the statute. The meeting has been fixed on August 25, 2021 at 3 p.m. thereby giving the members clear seven days notice as well.

August 25, 2021 falls within fifteen working days from the date of receipt of the requisition. Thus, in view of the dates narrated hereinabove, this court does not find any infraction of the provisions of the statute by the Prescribed Authority in fixing the meeting on August 25, 2021 at 3 p.m. for moving the motion for removal of the Upa- Pradhan. The meeting shall be held as scheduled.

This court is not expressing any view about the right of the Upa-Pradhan to continue in office and the same will be decided at the meeting itself as per the decision of the members.

The writ petition is dismissed accordingly.

The parties are to act on the basis of the learned advocate's communication.

(Shampa Sarkar, J.)