

Sl.no.10
5.10.2021.
Court. No. 19
sn

WPA 16790 of 2021

Panchanan Mahato
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

Mr. Suvro Prokash Lahiri

... for the Petitioner.

Mr. J.L. De

Mr. Shamim Ul Bari

..for the State

Let the affidavit of service is taken on record.

The petitioner is aggrieved by a notice dated September 29, 2021. It appears that by the said notice, the Secretary of Jhalda-II Panchayat Samiti called a meeting to be held on October 7, 2021 to discuss the issues with regard to tenders and take a decision thereon.

The petitioner is aggrieved because the notice could not have been issued by the Secretary of the Panchayat Samiti and only the Sabhapati of the Samiti could call the meeting.

It is further submitted that the notice has been issued by the Secretary of the Samiti without following the provisions of Section 105 and Section 125(3)(c).

Mr. De, learned advocate for the State respondents submits that a general body meeting has

been called and the Secretary, who is an employee of the Samiti. The meeting has been called to discuss certain issues relating to the proposed tenders and all the members of the Panchayat Samiti have been asked to attend the meeting.

In my view, the meeting may have been called in order to hear out the contentions, grievances and opinions of the respective members, in order to maintain transparency in the process relating to tenders. All the members including the petitioner can participate in the meeting and if the petitioner has any grievance with regard to the procedure or the decisions going to be taken, the petitioner can place his dissent to any decision taken in the meeting and the same shall be recorded. Also, the contention of the petitioner that any notice with regard to issuance of the tender notices has to be routed through the Purta Karya O Paribahan Sthayee Samiti and not at a meeting of the general body, is in opinion of the Court premature as the notice does not indicate that the decision with regard to issuance of tender would be taken by the general body by circumventing the law.

This writ petition is disposed of accordingly.

The petitioner will participate in the meeting and raise his objection, if any, and give his opinion in the meeting.

The Court does not expect that the authority shall take any decision and issue any tender notice without following the statutory provisions.

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.)