

S/L 6
16.11.2021
Court. No. 19
GB

WPA 17821 of 2021

Jhuma Mandal
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

*Mr. Anindya Bose,
Mr. Anindya Sundar Das,
Ms. Chumki Chowdhuri,
Mr. Snehasish Mukherjee.*

...for the Petitioner.

*Mr. Raja Saha,
Mrs. Tanusri Chanda.*

...for the State.

*Mr. Billwadal Bhattacharya,
Mr. Debanik Banerjee,
Mr. Anish Kumar Mukherjee.*

...for the Respondent Nos.5 to 13.

As none appears on behalf of the State respondents, Mr. Saha, learned advocate, who is present in Court and who usually appears for the State is requested by the Court to appear in this matter with a junior of his choice. Their appearances may be regularized.

The writ petition has been filed only on the ground that the meeting for removal of the Pradhan, Harda Gram Panchayat, which has been scheduled to be held on November 16, 2021 at 11.00 a.m. has been fixed beyond the period of 15 working days.

This court having considered the fact that Saturdays are holidays for the prescribed authority and the office of the prescribed authority does not function on Saturdays, is of the

opinion that Saturdays shall not be counted while computing the period of 15 working days within which the prescribed authority should hold a meeting. The fact that the panchayat office works on some Saturdays will not be relevant. As the law casts a duty upon the prescribed authority to hold the meeting not later than 15 working days from the date of receipt of the motion, the logical interpretation of the said provision would be that the working days prescribed under the Statute must relate to the working days within which the prescribed authority has to function. The working days in the calendar of the prescribed authority is relevant.

Thus, the petitioner has not made out any other case for cancellation of the notice of the meeting to be held for the removal of the Pradhan except the point discussed above.

Mr. Bhattacharya, learned advocate further submits the meeting has already been held and the Pradhan has been removed by majority vote. There are no other challenges to the procedure followed either by the prescribed authority or by the requisitionists. No other issues are decided.

Mr. Saha submits on specific instruction that the office of the prescribed authority is closed on every Saturday and as such the prescribed authority under the law is required to act in terms of his own calendar.

Accordingly, the writ petition is dismissed.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)