

23rd December, 2021
(D/L No.15)
(SKB)

WPA 20244 of 2021
(Via Video Conference)

Manasi Bagdi
Vs.
The State of West Bengal and others

Mr. Amal Baran Chatterjee,
Md. Hafiz Ali
... for the petitioner.

Mr. Raja Saha,
Ms. Rupsha Chakraborty
... for the State.

The writ petitioner seeks cancellation of a notice dated 6th December, 2021 which is a notice of meeting on a Motion for removal of the petitioner who is the Pradhan of the concerned Gram Panchayat.

According to learned counsel appearing for the petitioner, the notice was followed up by a meeting held on 14th December, 2021 but no further action was taken by the Prescribed Authority thereafter. Counsel submits that the entire process is bad since the Motion for the removal of the petitioner does not contain a date which is contrary to Section 12(3) of the West Bengal Panchayat Act, 1973. Counsel also points to the stigma in relation to the notice for removal.

Learned counsel appearing for the State seeks time to take instructions in the matter.

This court is not persuaded to grant any relief to the petitioner. Section 12(3) which relates to 'motion of

no confidence' for removal of Pradhan or Upa-Pradhan lays down the procedure to be followed by the existing members who seek such removal. Section 12(3) mandates that the Prescribed Authority on receipt of the Motion shall satisfy himself that the Motion conforms to the requirements of Section 12(2) and upon such satisfaction would convene a meeting by issuance of notice within five working days of the receipt of the Motion. Section 12(3) does not contain any requirement for the Motion to bear a particular date. What matters is the date of receipt of such Motion by the Prescribed Authority. The five working days within which the notice of meeting is to be issued is to be calculated from the date of receipt of the Motion by the Prescribed Authority.

In the present matter the date of receipt of the Motion by the Prescribed Authority is 1st December, 2021.

In any event, no prayer can be granted in this writ petition since the petitioner now complains of a decision taken in the meeting held on 14th December, 2021 which is not on record.

W.P.A.20244 of 2021 is dismissed for the above reasons.

There will be no order as to costs.

(Moushumi Bhattacharya, J.)