

23.02.2021
SL No.124
Court No.24
(P.M.)

WPA 8204 of 2020

**Kaushik Ghosh & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Partha Pratim Roy
Mr. Sarbananda Sanyal
... for the petitioners

Mr. Neil Basu
... for the respondent Nos. 5 and 13.

Mr. T.M. Siddiqui,
Mr. S.S. Siddiqui
... for the State.

The petitioners are the elected members of the Bhatjangla Gram Panchayet. The petitioners made allegation against the Prodhan of the said Gram Panchayet under Section 8C of the West Bengal Panchayet Act, 1973 before the Prescribed Authority and Block Development Officer by a representation dated 18th May, 2020. In response to the complaint lodged by the petitioners a detailed enquiry report was prepared by the Block Development Officer. The petitioners applied before the Prescribed Authority and the Sub Divisional Officer, Krishnanagar Sadar praying for his removal by a representation dated 29th June, 2020.

The petitioners have annexed a communication dated 10th August, 2020 from the District Panchayet and Rural Development Officer, Nadia to the Block Development Officer, Krishnanagar I Development Block with request to intimate the members of the Gram Panchayet to appeal

before the Sub Divisional Officer, Sadar Sub Division, the Prescribed Authority to take a decision in this matter.

A detailed notice was addressed to the Sub Divisional Officer, Krishnanagar by the learned advocate representing the members on 3rd September, 2020.

The petitioners allege that the said representation has not been considered by the Sub-Divisional Officer till date.

The learned advocate representing the respondent Nos. 5 and 13 submits that the Prescribed Authority for removal of Pradhan is the Block Development Officer and not the Sub Divisional Officer.

The learned advocate representing the State respondent submits that as per Section 213 of the Act the Prescribed Authority would be the Sub Divisional Officer as the allegation has been made against the member of the Gram Panchayet.

It appears from submissions made on behalf of the parties that the primary allegation of the petitioners is against a member of the Gram Panchayet who incidentally happens to be the Prodhan.

The allegation has been made under Section 8C of the Act. According to Section 11, Sub-Divisional Officer is the prescribed authority to deal with any allegation against a member of the Gram Panchayet.

It is only after the Prescribed Authority comes to a considered opinion that the allegations of the members of

the Gram Panchayet are true then only steps may be taken for removal of the Pradhan under Section 12. Prior to that the Sub-Divisional Officer may look into the grievance of the petitioners under Section 8C of the Act.

In view of the above the instant writ petition is disposed of by directing the respondent No. 12 being the Prescribed Authority and the Sub Divisional Officer, Sadar to consider the representation made by the petitioners on 29th June, 2020, strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties, including the petitioners, within a period of eight weeks from the date of communication of a copy of this order.

The said respondent shall pass a reasoned order and communicate the same to all the parties immediately thereafter.

It is made clear that this Court has not entered into the merits of the claim made by the petitioners and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioners.

The petitioners are directed to forward a copy of the representation dated 29th June, 2020 to the aforesaid respondent at the time of communicating the order of the Court.

WPA 8204 of 2020 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)