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S/L
11.01.2022
BD

WPA 296 of 2022

(Through Video Conference)

Kamalika Thokdar Sarkar
Vs.
The State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee
Mr. Sandipan Das
..for the petitioner

Mr. Supratim Dhar
..for the State
Mr. Subir Sanyal
Mr. Sutirtha Das
..for the respondent nos. 19 to 23

Learned counsel appearing for the respondent nos. 19 to 23 representing several of the Gram Panchayats including the removed Pradhan submits that since the order passed by learned Singe Judge on 10th January, 2022 has stayed the impugned notice calling for a meeting on 11th January, 2022, which is today, the writ petition may be disposed of with a direction on the Prescribed Authority to take the requisite steps for calling a meeting under Rule 6 of the Panchayat (Constitution) Rules, 1975.

Learned counsel appearing for the petitioner raises an apprehension about the lack of democratic process since the removed Pradhan is the only Scheduled Caste candidate who will again contest the election to fill up the vacancy of casual staff in

the concerned Gram Pachayat. Counsel also submits that the meeting fall short of the Coram.

Learned counsel appearing for the Prescribed Authority submits that necessary approval will have to be taken from the District Gram Panchayat Election Officer for calling a meeting for the proposed election.

Upon hearing learned counsel and upon considering the relevant provisions of the Act and the Rules, this Court is of the view that since the only prayer in the writ petition was for a direction on the concerned authority not to take any steps for the scheduled meeting on 11th January, 2022, the writ petition may be disposed of with a direction on the Prescribed Authority to obtain necessary permission and approval, as required under the Act and the Rules, for holding the meeting within the extended time period under Rule-6 of the 1975 Rules. It is submitted that the vacancy was created on 2nd November, 2021 and the meeting had to be called within thirty days from the said date.

Since the notice calling the meeting was stayed the meeting scheduled for today naturally could not be held. Hence WPA 296 of 2022 is disposed of with the direction on the Prescribed Authority as stated above.

It is made clear that any direction given by this Court would have to be obtained or carried out under the relevant provisions of the Act and the Rules.

The names of counsel representing the State as reflected in the order dated 10th January, 2022 may be corrected.

(Moushumi Bhattacharya, J.)