

11.02.2022
Sl. No.2
srm

W.P.A. No. 2258 of 2022
Selina Khatun Mallick & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Rittwik Pattanayak
...for the Petitioners.

Md. Salahuddin,
Md. Raziuddin
...for the Respondent Nos.6 to 16.

Mr. Lalit Mohan Mahata,
Mr. Prasanta Bihari Mahata
...for the State-Respondents.

Affidavit of service is taken on record.

The petitioner Nos.1 and 3 are the Pradhan and Upa-Pradhan of Dharmada Gram Panchayat, District-Nadia respectively, and the petitioner Nos.2, 4 and 5 are the members of the said gram panchayat. The petitioners are aggrieved by the notice dated January 21, 2022 issued under Form 1E of sub-rule (2) of Rule 5B of the West Bengal Panchayat (Constitution) Rules, 1975 by the prescribed authority. The prescribed authority has fixed February 11, 2022 at 2.00 pm as the date and time of the meeting for removal of the Pradhan.

Mr. Pattanayak, learned Advocate appearing on behalf of the petitioners, submits that the meeting should not be

held today at 2.00 p.m. on the ground that the same was fixed beyond 15 working days from the receipt of the motion which was contrary to the provisions of Section 12(4) of the West Bengal Panchayat Act, 1993 (hereinafter referred to as the said Act). Reliance has been placed on the requisition, in order to show that the said requisition was dated January 17, 2022. According to Mr. Pattanayak, the meeting should be held within 15 working days from the date of receipt of the motion. He submits that if the motion was brought on January 17, 2022, by fixing the meeting on February 11, 2022 by prescribed authority did not follow the mandate of the statute.

Mr. Mahata, learned Senior Government Advocate, and Md. Salahuddin, learned Advocate, appearing on behalf of the State-respondents and the respondent Nos.6 to 16/requisitionists respectively, submit that although the requisition was dated January 17, 2022, but the same was served upon the prescribed authority on January 20, 2022. The prescribed authority accordingly fixed the meeting on February 11, 2022, which was within 15 working days from the date of receipt of the requisition.

They have handed over a copy of the receipt to show that the office of the prescribed authority received the said requisition on January 20, 2022. The same is taken on record.

Even if, the motion was dated January 17, 2022 and was received in the gram panchayat office on the same day, the time prescribed by the statute for calculation of the period within which a notice convening the meeting should be issued and the meeting should be convened and held, must be from the date when the prescribed authority received the motion, and in this case, the prescribed authority received the same on January 20, 2022.

Under such circumstances, as there are no other challenges to the requisition and the notice issued by the prescribed authority, this Court does not find any reason to interfere with either the requisition or with the notice of meeting of the motion. The meeting shall be held as per schedule.

This writ petition is, thus, disposed of.

There will be no order as to costs.

The parties are to act on the basis of the server copy of this order or the learned Advocates' communication.

(Shampa Sarkar, J.)