

27.09.2022
Sl. No.49(DL)
srm

W.P.A. No. 3260 of 2022

Ananda Sing Sardar

Vs.

The State of West Bengal & Ors.

Mr. Uttam Banerjee,
Mr. Arunesh Pathak,
Mr. Mrinal Kanti Biswas

....for the Petitioner.

Affidavit-of-service is taken on record. Despite service, none appears on behalf of the respondents.

The petitioner has challenged his removal. Allegation is that the petitioner was removed illegally from the post of Pradhan, Barabazar Gram Panchayat, District-Purulia.

Records reveal that a requisition was brought under Section 12(2) of the West Bengal Panchayat Act, 1973 for removal of the Pradhan on October 10, 2021. Accordingly, a notice was issued on November 16, 2021 calling a meeting on November 24, 2021 for consideration of the requisition for removal of the Pradhan, on the ground of lack of confidence. The order removing the Pradhan was issued on November 26, 2021 by the prescribed authority. Seven out of eleven members voted for the motion and accordingly the petitioner was removed from his office.

Under such circumstances, as the removal was as per Section 12(2) of the West Bengal Panchayat Act, 1973, the merits of the order of removal or the claims of the petitioner, cannot be gone into.

It is the democratic right of the requisitionists, to seek removal of their leader who has lost their confidence. They are entitled to enforce such right. The panchayat office runs on democratic principles. In democracy, all persons heading public bodies can continue provided they enjoy the confidence of the persons who comprise such bodies. That is why, the provision of removal by a no-confidence motion, has been incorporated in the statute.

Accordingly, the writ petition does not merit any consideration. The writ petition is, thus, dismissed.

There will be no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)