

01.03.2022
Item No. 46
Court No.6.
S. De

Through Video Conference

**R.V.W. 36 of 2022
I.A. No. CAN 1 of 2022**

**Torina Khatun.
Vs
The State of West Bengal & Ors.**

Mr. Srijib Chakraborty,
Mr. Aditya Mondal,
...for the appellant in review.
Mr. Sukanta Chakrabarty,
Mr. Anindya Halder,
...for the Respondent nos. 5 to 9.
Mr. Raja Saha,
Mr. Amit Kr. Ghosh,
...for the State.

By preferring this application, the applicant has sought review of an order dated February 15, 2022 (Torina Khatun Vs. The State of West Bengal & Others). The relevant part of the order is quoted below :-

“It is apparent that on January 31, 2022, the requisitionists filed a motion of no-confidence before the Prescribed Authority. Upon noticing some mistakes in the said requisition, they withdrew the same and on the same date they filed a rectified motion. The Prescribed Authority, obviously, on the basis of the said subsequent rectified motion convened the meeting.

There is no doubt that the subsequent rectified requisition also mentions Section 16 of the West Bengal Panchayat Act, 1973. But in our view, if the said requisition is read as a whole, there cannot be any confusion that the same was moved only for the purpose of removal of the Pradhan under Section 12 of the West Bengal Panchayat Act, 1973.

In view of the aforesaid, we are of the opinion that the learned Judge was justified in holding that the second motion, was in accordance with law and there was no wrong on the part of the Prescribed Authority to convene a meeting for removal of the Pradhan.”

Quite astonishingly, the review has been sought on the basis of an endorsement made by the relevant Prescribed Authority (Block Development Officer) on the requisition notice dated January 31, 2022 which reads as follows :-

“this is to certify that action on the part of the Prescribed Authority and BDO has been taken on the merit of this No Confidence Motion against the Pradhan, Mailor-II G.P. (page 1+2)”

Learned advocate appearing for the review applicant admits before this Court that the said so-

called certificate was given by the said Prescribed Authority after the appeal was dismissed by us on February 15, 2022.

We find that the copy of the no-confidence motion dated January 31, 2022, which was a part of the appeal papers did not contain such endorsement. We fail to understand under which provision of law the Prescribed Authority could make such endorsement after the appeal was dismissed on February 15, 2022, affirming the order dated February 11, 2022, passed by the learned Single Judge.

We are of the view that such subsequent endorsement obtained from the Prescribed Authority cannot be a ground for review of our order dated February 15, 2022, since such endorsement itself is illegal being in violation of the West Bengal Panchayat Act, 1973.

The Block Development Officer being the Prescribed Authority has been bestowed with the responsibility to ensure that a Gram Panchayat functions in conformity with West Bengal Panchayat Act, 1973. We regret to observe that the Prescribed Authority in this case has acted at the behest of the appellant who has been trying to resist her removal as Pradhan by filing successive frivolous litigations before this Court.

We, however, have been informed by the respondents that the Pradhan has already been removed following the resolution adopted on February 15, 2022.

With the aforesaid observations, this review application being RVW 36 of 2022 is dismissed along with IA No. CAN/1/2022 with costs assessed at Rs.10,000/- (Rupees Ten Thousand Only) to be paid to the State Legal Services Authority, West Bengal.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance with all the necessary formalities.

(Kausik Chanda, J.)

(Arijit Banerjee, J.)