

65.
02.02.2022.
Ct. No. 11.
F.B.

WPA 11935 of 2021

(Via Video Conference)

**Chandana Rishi
-Vs.-
The State of West Bengal & Ors.**

**Mr. Mohinoor Rahaman,
Ms. Maria Rahaman
..... For the Petitioner.**

**Mr. Raja Saha,
Ms. Tanusri Chanda
..... For the State.**

The petitioner is the elected member of a Gram Panchayat, i.e. Bhawanipore Gram Panchayat-II was initially elected as Pradhan of the said Panchayat. On 10th May, 2021, nine (9) members of the said Gram Panchayat have submitted a signed motion in writing for their lack of confidence against the petitioner. The Prescribed Authority on receipt of the motion had convened a special meeting in the Gram Panchayat Office on 29th June, 2021 at 12.00 Noon. In the said meeting out of twelve (12) members, ten (10) members were present and there was a consensus decision for lack of confidence against the petitioner. Accordingly, the petitioner was removed from the post of Pradhan

and the respondent no. 8 was elected as a Pradhan of said Panchayat.

The petitioner has filed the instant writ petition only on the ground that the notice of motion for no confidence was moved is undated and undated notice cannot be taken into consideration and thus the proceedings initiated by the concerned authorities for no confidence motion against the petitioner is bad in law and prayed for setting aside the proceeding of no confidence.

The respondent no. 4 has filed his affidavit and in the affidavit, the respondent no. 4 has categorically stated that:-

“That on 11.05.2021 the requisitionists nine in numbers i.e. respondent no. 5 to 13 herein out of 12 existing members served a motion for no confidence against the Petitioner, being the Pradhan and also for removal of him from the office of the Pradhan of Bhowanipore-II Gram Panchayat before the Prescribed Authority, the answering respondent herein, under sub-section -2 of section -12 of the West Bengal Panchayat Act, 1973. The Prescribed Authority also received the said motion for no confidence against the Petitioner for removal of him from the office of the Pradhan of

Bhowanipore-II Gram Panchayat on the same day i.e. on 11.05.2021.

I crave leave to produce the copy of motion for no confidence against the Petitioner for removal of him from the office of the Pradhan of Bhowanipore-II Gram Panchayat received by the Prescribed Authority on 11.05.2021 at the time of hearing if necessary”.

The respondent no. 4 had also produced the notice of motion for lack of confidence wherein it is categorically reveals that the office of the Prescribed Authority has received the notice of motion for no confidence by the nine (9) members of the Panchayat on 11th May, 2021 and after being satisfied the special meeting was held. The contention raised by the petitioner that the notice of motion is undated has no leg to stand. The affidavit and the documents produced by the respondent no. 4 categorically reveals that the nine (9) members have signed notice of motion on 10th May, 2021 and have submitted on 11.05. 2021 and as such the writ petition filed by the petitioner is misconceived.

Hence, WPA 11935 of 2021 is dismissed.

No order as to costs.

All parties to act in terms of the copy of the order downloaded from the official website of this Court.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Krishna Rao, J.)