

6.4.2022
Court No. 19
Item No.8
sn

WPA 13986 of 2021

Pinki Khanam
Vs.
The State of West Bengal & Ors.

Mr. Sarwar Jahan
Mr. Mobaidur Hossain ...for the petitioner

Mr. Pantu Deb Roy
Mr. Anand Farmania ..for the State

The petitioner submits that the Nowda Santi Sangha Bahumukhi Mahila Samabay Samity had reinstated the petitioner and had recommended that the petitioner be allowed to act as a Co-ordinator of the said Sangha in the schemes under the National Rural Livelihood Mission. It is prayed that such engagement be recognized by the Block Development Officer, Nowda Development Block.

It is submitted that despite the resolution dated July 27, 2021, the petitioner has not been allowed to perform her duty as a Co-ordinator of the self-help group. Instructions have been filed by the respondent no.6, from which it appears that a letter was received from the Sangha indicating that the petitioner was absent from her duty since March 1, 2019, without any intimation and by a resolution dated November 19, 2020, the petitioner was terminated from the Sangha. A hearing was

scheduled by the Block Development Officer on October 15, 2020 calling upon the petitioner to appear before the Block Development Officer, Nowda Development Block, for necessary orders. The petitioner did not appear. Another hearing was re-scheduled on December 14, 2020 and the petitioner again did not appear.

Thus, this Court does not find that the Block Development Officer, Nowda Development Block, had acted illegally and had failed to discharge his obligation under the law, in this regard.

Now, the petitioner relies on a resolution of the Sangha adopted on July 27, 2021, by which Sangha had decided to allow the petitioner to function as a Co-ordinator, once again. The petitioner submits that in view of such resolution the petitioner must be allowed to function as a Co-ordinator.

As the respondent no.7 is not before this Court, validity of the said resolution cannot be decided. Thus, the Court is of the view that the matter be sent back to the Block Development Officer, Nowda Development Block for a fresh decision as to whether the petitioner can start to function as a Co-ordinator of the said Sangha on the basis of the resolution annexed to the writ petition.

The Block Development Officer, Nowda Development Block, shall hold a hearing, in which

the petitioner as also the respondent no.7, that is, the members of the Sangha, shall be allowed to participate and make their submissions. A reasoned order shall be passed and necessary actions shall be taken on the basis of the hearing.

This Court has not gone into the merits of claims and counter claims of the parties.

The entire issue shall be decided independently and in accordance with law by the Block Development Officer, Nowda Development Block.

The entire exercise shall be completed within a period of three months from the date of communication of this order.

Accordingly, the writ petition is disposed of.

There will be however no order as to costs.

All parties are directed to act on the basis of server copy of this order and/or the learned advocate's communication.

(Shampa Sarkar, J.)