

S/L 6
3.11.2022
Court. No. 19
sn

W.P.A.14640 of 2021

Anandamoy Adhikari
VS
The State of West Bengal & Ors.

Mr. Atis Kumar Biswas
Mr. J.N. Manna
Mr. Amit Singh

... for the Petitioner

Mr. Malay Singh
Mr. S.K.Chatterjee

..for the State

The petitioner seeks disposal of a purported appeal by the District Magistrate.

This writ petition is misconceived as the petitioner has been removed by a majority vote in accordance with law. The motion was brought for removal of the petitioner. A notice was issued by the prescribed authority and the motion was put to vote. It appears from the instructions given by the respondents that none of the members had voted in favour of the petitioner and the motion was passed by majority. Such order is not appealable before the District Magistrate and as such no order can be passed in this writ petition.

The allegation of the petitioner that the motion was not brought as per law and the petitioner was not served either a copy of the motion or a copy of the notice issued by the prescribed authority, cannot be decided by the District Magistrate.

The petitioner may challenge the removal before the appropriate forum, if otherwise permissible in law.

This writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)