

Item No. 11

28.07.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 16051 of 2022
Md. Manirul Mollah & Ors.
v.
The State of West Bengal & Ors.

Mr. Shamim ul Bari
Ms. Molly Saha
... for the petitioners.

Mr. Debanik Banerjee
Mr. Aniruddha Ganguly
Ms. Pratiti Das
... for the respondent no. 8 & 9.

Mr. Jaharlal De
Mr. Supratim Dhar
... for the State.

The petitioners submitted a requisition notice for removal of the Pradhan before the Prescribed Authority on July 5, 2022 and allege that the Prescribed Authority did not take any steps pursuant to the said notice issued by them. The prescribed time period under the Act has expired in the meantime.

Learned advocate for the petitioners submits that this is the third requisition notice which failed to reach its logical conclusion for inaction and/or non-action on the part of the Prescribed Authority to act within the prescribed time period.

It was the bounden duty of the Prescribed Authority to act within the prescribed time limit

immediately upon receiving the requisition notice. In view of the inaction/non-action on the part of the prescribed authority to take steps in proper time, the requisition notice cannot be proceeded further.

In view of the above, the instant writ petition is disposed of by granting liberty to the requisitionists to take steps for presenting fresh requisition notice in accordance with law, if so advised.

The Prescribed Authority upon receiving the requisition notice, if any, shall act strictly in accordance with law.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)