

20.09.2022
Sl. No.49(DL)
srm

W.P.A. No. 21076 of 2021
Saroj Panre & Anr.
Vs.
The State of West Bengal & ors.

Mr. Alok Roy Chowdhury,
Ms. Anindita Roy Chowdhury
....for the Petitioners.

Mr. Jaharlal De,
Mr. Shamim ul Bari
...for the State-respondents.

Mr. Raghunath Chakraborty,
Mr. M. Ahmed
...for the Respondent No.6.

Affidavit-of-service is taken on record.

The petitioners allege that the Sub-Divisional Officer, Serampore Sub-Division had failed and neglected to discharge his duties under the law, by not disposing of the application filed for removal of Sri Kalyan Konar, the Upa Pradhan of Radhanagar Gram Panchayat, Hooghly, from his membership of the said gram panchayat. According to the petitioner, the respondent No.6 was disqualified to be a member, in view of the bar under Section 8(b) of the West Bengal Panchayat Act, 1973.

It appears that pursuant to the application filed, the Sub-Divisional Officer issued a notice upon the Block Development Officer, Jangipara Development Block to make an enquiry into the matter.

Mr. Chakraborty, learned Advocate appearing on behalf of the respondent No.6, denies the allegations. He submits that having failed to remove the Upa-Pradhan in accordance with the provisions of Section 12(2) of the West Bengal Panchayat Act, 1973, a second attempt had been made to remove the said respondent from his membership of the gram panchayat on false and frivolous allegations. He submits that the respondent No.6 was serving as a manager in a primary cooperative society. The law did not preclude such a person from contesting the panchayat election. The respondent No.6 was neither working under the Central Government nor under the State Government. He was also not an employee of the gram panchayat or zilla parishad.

The learned Advocate for the petitioner submits that an employee of a cooperative society was also barred from contesting the panchayat election.

Mr. De, learned Additional Government Pleader, appearing on behalf of the State-respondents, submits that the respondent No.6 could not hold dual charge, in the cooperative society and as a member of the gram panchayat. He could not take remuneration or honorarium for both the posts.

Be that as it may, the petitioners have filed a complaint before the Sub-Divisional Officer, Serampore Sub-Division. Such complaint shall be disposed of in accordance with law upon hearing all the interested parties, the Pradhan of the Radhanagar Gram Panchayat and also the Block Development Officer, Jangipara Development Block. If any enquiry report is filed, the same shall be supplied to the parties. A reasoned order shall be passed and communicated to all. The parties shall adduce evidence and file their written statements with supporting documents.

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

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

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)