

01.02.2023
Sl. No.557(ML)
srm

W.P.A. No. 9776 of 2022
Sanjira Begam
Versus
State of West Bengal & Ors.

Mr. Dilip Kumar Samanta,
Mr. Debapriya Samanta
....for the Petitioner.

Mr. Malay Singh,
Ms. Debdooti Dutta
...for the State-respondents.

Affidavit-of-service is taken on record.

The petitioner alleges that the Block Development Officer, Jamalpur Development Block, Purba Bardhaman, did not have jurisdiction to issue a notice upon the Pradhan, Jaragram Gram Panchayat, District-Purba Bardhaman dated June 1, 2022, asking the Pradhan to show cause as to why legal steps shall not be taken for gross negligence of performing the official duty.

The learned Advocate for the petitioner further submits that there was already an existing complaint against the said Block Development Officer by the members of the gram sansad. The allegations against the Pradhan as mentioned by the Block Development Officer

were more or less similar to the allegations made against the Block Development Officer.

Both the parties alleged that the other had indulged malpractices while in the process of holding auctions, tenders and allotment of works. It is true that the Pradhan is an elected representative and she cannot be removed except by initiation of proceedings under the West Bengal Panchayat Act, 1973 by the appropriate body or the authority. However, if the Pradhan indulges in malpractices, the Court does not find any reason as to why an enquiry into any illegality could not be conducted by the prescribed authority in this regard.

However, as it appears that the Pradhan and other members of the gram sansad had counter-allegations against the Block Development Officer, Jamalpur Development Block, in order to dispel of doubts and apprehension of bias, this Court is of the view that justice would be sub-served if the entire issue is sent to the District Magistrate, Purba Bardhaman, for enquiry and necessary action. The District Magistrate, Purba Bardhaman, shall cause an enquiry with regard to the allegations and counter-allegations made by the Pradhan and the Block Development Officer, Jamalpur

Development Block. Both the parties shall be heard and necessary steps shall be taken in accordance with law.

It is made clear that the District Magistrate shall be entitled to take all legal steps and refer the matter to the appropriate authority, if it is found that the allegations against the Pradhan are proved to be correct and the Pradhan had indulged in activities contrary to law, by abusing his position. Necessary measures shall also be taken if it is found that the Block Development Officer, Jamalpur Development Block had committed any illegality.

This Court has not gone into the merits of the allegations and counter-allegations of the parties and the District Magistrate, Purba Bardhaman shall decide the entire issue on the basis of an enquiry, the records and on the submissions made by the parties.

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

A copy of the writ petition along with a server copy of this order be served upon the District Magistrate, Purba Bardhaman.

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.)