

02.05.2023
Item No.226
gd/ssd

WPA 7853 OF 2020
UMAPADA GHOSH
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Sankar Prasad Dalapati,
Ms. Tamusree Ghosh,
Mr. Sourav Mondal
..for the Petitioner.

Mr. Arka Kumar Nag
..for the State.

Mr. Tanweer J. Mondal,
Ms. Somashree Dey
..for the Respondent No.6.

1. By this writ petition styled as a public interest litigation the petitioner would contend that the 6th respondent is disqualified from holding the post of Prodhan of Amarun No.1 Gram Panchayat on the ground that he is employed as a head teacher in a primary school.

2. As rightly pointed out by the learned advocate for the respondent State, the pleadings in the writ petition are inadequate and the proper and necessary parties have not been impleaded.

3. It prima facie appears that there is an indirect challenge to the election of the 6th respondent as Prodhan of the Gram Panchayat which cannot be permitted by way of a public interest litigation.

4. That apart, from the averments in paragraph 8 of the writ petition, we find that is not clear as to whether the school where the 6th respondent is a head teacher in a government aided school or a government school or a self-financed management school. In any event, with this truncated pleadings relief sought for cannot be granted. Therefore, the prayer in the writ petition is rejected.

4. However, this will not prevent the petitioner from pursuing his representation before the District Magistrate, Purba Bardhaman i.e. the 2nd respondent herein and the petitioner is also given liberty to submit a fresh representation with proper facts and if done so, the 2nd respondent shall consider the same in accordance with law.

5. With the above observation, the writ petition stands disposed of.

(T. S. SIVAGNANAM)
ACTING CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)