

OD - 16

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction

ORIGINAL SIDE

WPO(P)/4/2023

BISWAJIT GOSWAMI

-Versus-

UNION OF INDIA & ANR.

BEFORE :

THE HON'BLE CHIEF JUSTICE T.S. SIVAGNANAM

And

THE HON'BLE JUSTICE HIRANMAY BHATTACHARYYA

Date : 23rd August, 2023

Appearance :

*Mr. Tapas Dutta, Adv.
..for the petitioner.*

*Mr. Sirsanya Bandyopadhyay, Adv.
Mr. Arka Kumar Nag, Adv.
...for the State.*

*Mr. Brojesh Jha, Adv.
..for the Union of India.*

The Court : This writ petition styled as public interest litigation has been filed challenging the nomination of the appellate authority under the Right to Information Act as a pradhan of a gram panchayat and in this regard the petitioner has referred to the notification issued by the Government of West Bengal dated 21st October, 2010. The entire case of the petitioner rests upon a decision of the Hon'ble Supreme Court in the case of Namit Sharma Vs. Union of India reported at (2013) 1 SCC 745 more particularly the directions

issued in paragraph 108.7. Based on the observations and/or directions, the learned advocate for the petitioner would strenuously contend that the appellate authority cannot be a pradhan of a gram panchayat who do not possess the law qualification and such notification issued by the Government of West Bengal is illegal.

The learned government counsel for the respondent would point out that the decision in Namit Sharma Vs. Union of India reported in (2013) 1 SCC 745 is no longer good law in the light of the Act. At the instance of the Union of India, a review application was filed before the Hon'ble Supreme Court and in the decision in Union of India Vs. Namit Sharma reported in 2013(10) SCC 359 the judgment reported in (2013) 1 SCC 745 was recalled and all the directions issued in paragraph 108.7 in the decision reported at (2013) 1 SCC 745 were recalled and set aside. This, the very basis and foundation of the writ petition is thoroughly misconceived and no relief can be granted in this public interest litigation. No other grounds urged in this writ petition.

Accordingly, the writ petition is dismissed.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)

