

M/L.03.
December 02, 2024.
KAUSHIK

WPA No. 28200 of 2024

Gita Mondal & Anr.
Vs.
The State of West Bengal and Others

Mr. Sarwar Jahan
Mr. Anindya Ghosh
Mr. Apurba Ghosh
... for the petitioner.

Mr. Samim Ahammed
Mr. Arka Maiti
Ms. Gulsanwara Pervin
... for the respondent nos. 7 to 15.

Mr. Santanu Kumar Mitra
Mr. Amartya Pal
... for the State.

The grievance of the petitioner is directed against a notice dated November 18, 2024 issued under the West Bengal Panchayat (Constitutional Rules), 1975 in Form 1(F).

It is alleged on behalf of the petitioner that in issuing the impugned notice there has been an infraction of the proviso contained in Rule 22(4) sub-rule 1(F). For convenience, the said proviso is set out hereinbelow:

“(f) For the purpose of conduct of the aforesaid meeting, the provisions under sub-rules (3) to (14) of rule 5B shall be followed *mutatis mutandis* barring that for the purpose of authorization of presiding officer, Form 2B shall be applicable:

Provided that if the meeting is convened to consider the motion to remove

more than one member or Sanchalak of one Upa-samiti or more than one Upa-Samiti, the motion shall be taken up for consideration one after another in the same order as mentioned in sub-section (2) of section 32A.”

It is alleged that in issuing the impugned notice, there has been an infraction of the order in which the proposed members are to be removed in terms of Section 32A of the West Bengal Panchayat Act, 1973. In particular, the said Sirajul Islam Dhali is the Sanchalak of ‘Shilpa O Parikathama Upa-Samity’ and the said Gita Mondal is the Sanchalak of ‘Siksha O Janasasthya Upa-Samity’.

In view of the above, the mandatory provisions, which are to be followed in seeking removal of a member has not been complied with and the impugned notice is bad.

The submissions of the petitioner are vehemently denied by the State and the private respondent who contend that there is no merit in the allegations made by the petitioner and their contention is without any basis. However, it is brought to the attention of the Court that in view of the law and order situation in the locality, the impugned meeting has been postponed.

In view of the above subsequent events, there is no basis to the apprehension of the

petitioner inasmuch as the impugned meeting has been automatically deferred.

In view of the above, WPA 28200 of 2024 is disposed of by granting liberty to the respondent to issue a fresh notice for the self-same cause of action in accordance with law, if so advised. In view of the mandatory stipulations under the Act and Rules, the above meeting has to be held within 15 days in accordance with law from the date of passing of this order.

Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance of necessary formalities.

(Ravi Krishan Kapur, J.)