

15.01.2025
Sl. No. 03
g.b.
Court No.10
265717

WPA 1124 of 2025

Anjali Dhali & Ors.
-Vs-
The State of West Bengal & Ors.

Mr. Sakya Sen
Mr. Samim Ahammed
Mr. Arka Maiti
Mr. Gulsanwara Pervin
Ms. Saloni Bhattacharjee
.....For the Petitioners
Mr. Chandi Charan De
Mr. Anirban Sarkar
.....For the State

The grievance of the petitioners is directed against a notice convening a meeting on 16th January, 2025 at the Bankra Gokulpur Gram Panchayat Office for holding two separate meetings for the appointment of Sanchalak of Upa-Samiti and Shilpo O Parikathmo Upa Samity respectively.

It is submitted on behalf of the petitioners that for appointment of the respective posts of Sanchalak of Upa-Samiti and Shilpo O Parikathmo Upa Samity, the votes of the different members of the Shilpo O Parikathmo Upa Samity and the Siksha O Janaswatha Upa Samity have to be taken into consideration.

Subsequent to the impugned notice, there is another meeting which has been called by the

requisitionists by a letter dated 13.01.2025 seeking removal of the members of the Shilpo O Parikathmo Upa Samity and Siksha O Janaswatha Upa Samity respectively.

On behalf of the State respondents it is submitted that the impugned notice dated 7th January, 2025 had been issued prior to the receipt of the letter dated 13th January, 2025 and hence, there is no question of there being any infraction or confusion.

The notice dated 7th January, 2025 has been issued for re-election of the Sanchaloks when the members of the Shilpo O Parikathmo Upa Samity and Siksha O Janaswatha Upa Samity are in question.

The only issue is one of priority and what requires to be determined first. Unless and until there is finality in respect of the members of the two Samities, there is no question of appointment of the Sanchalak of Upa-Samiti or the Shilpo O Parikathmo Upa Samity respectively. The no confidence motion in respect of removal of the members has to attain conclusiveness before any final decision can be taken in respect of the impugned notice. In the absence of any such determination, there is no question of appointment

of either of the Sanchalak of Upa-Samiti or of the Shilpo O Parikathmo Upa Samity.

In view of the above, there shall order in terms of the prayer 'c' of the writ petition.

WPA 1124 of 2025 stands disposed of by directing the respondents to take a final decision in respect of the notice dated 13th January, 2025 and bring to a finality the constitution of the members of both the Shilpo O Parikathmo Upa Samity and the Siksha O Janaswatha Upa Samity respectively at the earliest.

The respondent no.3 is directed to take appropriate steps to decide the above issue and convene a meeting in accordance with law.

Since no affidavits are called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

There shall be no order as to costs.

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.)