

10.03.2025

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Ct. no.39

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**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. 5129 of 2025

**Lovely Khatun
-Vs-
The State of West Bengal & ors.**

Mr. Biswarup Mukherjee
Ms. Dolon Dasgupta
... for the petitioner

Mr. L. M. Mahata, Ld. AGP
Mr. P.B. Mahata
... for the State-respondent

Affidavit of service filed on behalf of the petitioner is taken on record.

This writ petition has been filed challenging the orders dated 24th January, 2025 and 24th February, 2025, respectively, passed by respondent no.2, Sub-Divisional Officer, Chanchal, Malda.

The petitioner contends that she was elected as the Pradhan of Rasidabad Gram Panchayat which was reserved for OBC candidate. On a complaint by one Rahena Sultana on 16th June, 2023, against the petitioner alleging that she has obtained the Caste Certificate on the basis of false and fabricated documents, a show-cause notice was issued to the petitioner on 3rd January, 2025. The petitioner made a reply to the show-cause notice on 7th January, 2025. By the impugned order dated 24th January, 2025 the Caste Certificate dated 13th June, 2023 issued in favour of the petitioner

Lovely Khatun was revoked and cancelled by the Sub-Divisional Officer, Chanchal, Malda, respondent no.2. Being aggrieved by such order the petitioner preferred an appeal before the District Magistrate, Malda on 30th January, 2025. The petitioner further contends that the appeal has not been heard by the District Magistrate, Malda till date and no date is fixed for hearing of the matter. During the pendency of the appeal a second show-cause notice has been issued to the petitioner on 5th February, 2025 seeking explanation as to why the petitioner shall not be removed from the office of Pradhan, Rasidabad Gram Panchayat. The petitioner filed her show cause on 10th February 2025. By an order dated 24th February 2025 of respondent no. 2, Sub-Divisional officer, Chanchal, Malda the petitioner has been removed from the office of Pradhan, Rasidabad. Hence, this writ petition.

Mr. Biswarup Mukherjee, learned Advocate representing the petitioner submits that the petitioner has availed her statutory right of filing an appeal against the first order of cancellation of her Caste Certificate. He also informs the court that so far as the second order directing for removal of the petitioner from the office of the Pradhan is concerned that will be challenged by way of appeal under section 9(11) of West Bengal Panchayat Act, since the limitation period to file statutory appeal is not yet over. He indicates that repeated show-cause notices are being issued during the pendency of the

appeal. He seeks for early disposal of the pending appeal by respondent no.3, District Magistrate, Malda.

Mr. L. M. Mahata, learned Additional Government Pleader submits that the matter is to be heard by the prescribed authority under the West Bengal Panchayat Act, 1973.

It is not in dispute that the order impugned dated 24th January, 2025 passed by respondent no.2 Sub-Divisional officer, Chanchal cancelling the Caste Certificate of the petitioner has been appealed against before respondent no.3 District Magistrate, Malda, however, the same has not been disposed of as yet. Accordingly, the District Magistrate, Malda, respondent no.3, is directed to consider and dispose of the appeal within a period of two months from the date of communication of this order, in accordance with law.

Liberty is granted to the petitioner to file appropriate application for stay. Upon filing of application for stay by the petitioner, the District Magistrate, Malda will decide and consider the said application within a period of ten days from the date of filing of the application.

The petitioner is directed to communicate this order to the District Magistrate, Malda, respondent no.3.

With the aforesaid direction, the writ petition being **WPA 5129 of 2025** stands disposed of.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(**Bivas Pattanayak, J.**)