

15.05.2025
Sl. No. 48.
D/L.
Mithun
Ct.No.39.

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

WPA 7769 of 2025

Rahin Kumar & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Rudranil De,
Mr. Soumo Charan

...for the petitioners

Mr. Ziaul Haque

...for respondent no.6

Mr. Tapan Dutta Gupta,
Mr. Parvej Anam,
Ms. Puspam Rani Jaiswara

...for respondent nos.7 to 12.

Mr. Ansar Mandal, Ld. AGP,
Mr. Asish Dutta

...for the State.

Affidavit-of-service filed on behalf of the petitioners
is taken on record.

This writ petition is filed seeking direction upon
the respondent no.4, Block Development Officer, Maru-
Masina, Jhalda-I Development Block to take steps for
removal of the members of the Upa Samity as per the
resolution of the Maru-Masina Gram Panchayat dated
29th November, 2024 (Annexure-P/3).

The petitioner contends that resolution was
adopted by the Gram Panchayat for removal of the
following members namely, (i) Sanchalak, 'Sikkha O
Jana Swastha' Upa Samity, (ii) Sanchalok-Member, 'Nari
O Shishu' Upa Samity", (iii) Member, "Nari O Shishu

Upa Samity, (iv) Sanchalok-Member, 'Krisi O Prani Bikash Upa Samity and (v) Sanchalak-member 'Shilpa O Parikathama' Upa Samity. Thereafter on 19th December, 2024 the motion of no confidence was sent to the prescribed authority and Block Development Officer, Jhalda-I, Purulia. However, no steps has been taken by the prescribed authority, Block Development Officer for removal of the aforesaid members. Hence, this writ petition.

Mr. Rudranil De, learned Advocate appearing for the petitioners submits that the Block Development Officer ought to have taken steps for removal of the members in terms of Rule 22 of the West Bengal Panchayat (Constitution) Rules, 1975 (*hereinafter referred to as 'Rules of 1975'*). He seeks for specific direction upon the respondent no.4 for taking steps in accordance with law.

Mr. Ansar Mondal, learned Additional Government Pleader for the State submits that the motion has lost its force since the prescribed authority and Block Development Officer was to take steps within 15 working days upon receipt of such notice. However, liberty may be granted to the petitioners to submit fresh requisition before the Block Development Officer.

Learned Advocate representing the respondent nos. 7 to 12 submits that as per Rule 22 4(a), the members cannot be removed since one year has not

elapsed from the date of notice. He seeks for dismissal of this writ petition.

It is found that the motion of no confidence was sent to the Prescribed Authority and Block Development Officer, Jhalda-I, Purulia on 19th December, 2024.

Rule 22. 4(c) & (d) provides as hereunder:-

“(c) The Block Development Officer on receipt of the motion shall satisfy himself that it conforms to the requirements of clause (b) and on his satisfaction shall specially convene, by issue of notice with the item of agenda in Form IF, within five working days of the receipt of the motion, a meeting of the Gram Panchayat to be held in its office fixing date and hour of the meeting and sending such notice at least before clear seven days to each of its existing members for consideration of the motion and for taking a decision on it.

(d) The meeting referred to in sub-rule (c) shall be held on a working day which shall not be later than fifteen working days from the date of receipt of the motion by the authority concerned and the meeting so convened shall not be postponed or cancelled except in pursuance of an order or direction of a competent Court or for any other reason beyond control of the authority concerned.”

Bearing in mind the aforesaid provision there cannot be any dispute that the 15 working days as required under the law has expired. Accordingly, the writ petition is disposed of granting liberty to the petitioners to submit fresh requisition before the respondent no.4, Prescribed Authority & Block Development Officer, Jhalda-I, Purulia and upon such submission of fresh requisition, the respondent no.4, Prescribed Authority & Block Development Officer, Jhalda-I, Purulia shall take steps in accordance with the Rules of 1975 as stipulated.

With the above observation, the writ petition being **WPA 7769 of 2025** stands disposed of.

All connected applications, if any, stand disposed of.

There will be, however, no order as to costs.

Interim order, if any, stands vacated.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Bivas Pattanayak, J.)