

07.05.2025
Sl.No.2(DL)
Ct. No.39
srm

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

W.P.A. 9927 of 2025

Saptami Mondal & Ors.

Versus

The State of West Bengal & Ors.

Mr. Robiul Islam,
Mr. Raju Mondal,
Mr. Masooq Rahman

... for the Petitioners.

Mr. Lalit Mohan Mahata,
Mr. Prasanta Behari Mahata

... for the State-respondents.

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

This writ petition is filed for
cancellation/withdrawal of purported notice dated 21st
April, 2025 issued by the Prescribed Authority and Block
Development Officer, Nabagram, Murshidabad for
removal of *Sanchalak* of *Upa-Samiti* of Gurah Pasala
Gram Panchayat.

The petitioners contend that in the previous round
of litigation in WPA 5965 of 2025 on the submission of
the State made at the time of hearing on 17th March,
2025 that separate notices for convening meeting have
been issued by respondent No.5, Prescribed Authority
and Block Development Officer, the Prescribed Authority
was directed to act on the basis of notice of meeting on
motion for removal of members and *Sanchalak* under

Form 1F. However, on the said date that is on 17th March, 2025 there was no such separate notice for convening meeting was issued under Form 1F by the Prescribed Authority and Block Development Officer. The petitioner challenged the order of this Court dated 17th March, 2025 passed in WPA 5965 of 2025 before the Hon'ble Division Bench being MAT 500 of 2025 wherein it has been clarified that the direction issued by this Court should be understood only as a general direction to the Block Development Officer to follow the due process of law in the event of any further requisition from the members. The notice of meeting on motion for removal of *Sanchalak* under Form 1F has been issued on 21st March, 2025, without there being any valid and subsequent requisition received by the Prescribed Authority from the members. Being aggrieved by and dissatisfied with such notice of meeting on motion for removal of *Sanchalak*, the petitioners have preferred the present writ petition.

Mr. Robiul Islam, learned Advocate for the petitioners submits that on the submission of the learned Advocate for the State that separate notices for convening meeting have been issued by the respondent No.5, Prescribed Authority and Block Development Officer on 17th March, 2025, the direction was issued upon the Prescribed Authority and Block Development Officer to act on the basis of notice of meeting on motion for removal of members and *Sanchalak* under Form 1F if issued separately for holding separate meeting in

accordance with law. However, on such date there was no such separate notices been issued by the Prescribed Authority under Form 1F. The notice of meeting on motion for removal of members/*Sanchalak* of *Upa-Samiti* has been issued on 21st March, 2025. As per Rule 22(4)(d) of the West Bengal Panchayat (Constitution) Rules, 1975 (*for short, 'Rules of 1975*), the Block Development Officer is to convene the meeting on a working day which shall not be later than 15 working days from the date of receipt of motion by the authority concerned. The impugned motion for removal of *Sanchalak* has lost its force, since the stipulated period has expired. He seeks for setting aside of the notice issued on the basis motion which already lost its force.

Mr. Lalit Mohan Mahata, learned Addditional Government Pleader appearing for the State also concedes that from the date of requisition that is 22nd February, 2025 the period of 15 working days for convening meeting has expired on 18th March, 2025.

In order to consider the submission advanced at the Bar, it would be apposite to reproduce Rule 22(4)(d) of the Rules of 1975 which is as follows:

“(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.”

Admittedly, the requisition has been issued on 22nd February, 2025. The notice of meeting on motion for

removal of members/*Sanchalak* of *Upa-Samiti* has been issued on 21st March, 2025.

On 17th March, 2025 upon submission of the learned Advocate for the State that separate notices for convening meeting have been issued by the respondent No.5, Prescribed Authority and Block Development Officer, the respondent No.5, Prescribed Authority and Block Development Officer was directed to act on the basis of notice of meeting on motion for removal of members/*Sanchalak* if issued separately for holding separate meeting in accordance with law.

The stipulated period, as per Rule 22(4)(d) of Rules of 1975, is 15 working days from date of receipt of motion by the authority concerned.

It has been rightly submitted by learned advocates for the petitioners as well as the State that the validity of requisition for convening meeting has expired on 18th March, 2025. Hence the notice of meeting on motion for removal of members/*Sanchalak* under Form 1F dated 21st March, 2025 has been issued beyond the stipulated period and, therefore, is not sustainable in law.

Accordingly, such notice dated 21st March, 2025 as well as order dated 21st April, 2025 of Prescribed Authority and Block Development Officer scheduling the four dates for convening meeting is set aside.

However, liberty is granted to the Prescribed Authority and Block Development Officer, Nabagram, Murshidabad to proceed in accordance with law, in the

event fresh requisition is received by the prescribed authority.

With the aforesaid directions, the writ petition being **WPA 9927 of 2025** stands disposed of.

Interim order, if any, stands vacated.

All connected applications, if any, stand disposed of.

There shall be no order as to costs.

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

(**Bivas Pattanayak, J.**)