

13.08.2025
Item No.21
Ct. No.42
ss

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

W.P.A. 12794 of 2025

**Saptami Mondal & Ors.
-Vs-
The State of West Bengal & Ors.**

Mr. Robiul Islam
Mr. Masooq Rahaman

... for the Petitioners

Mr. Lalit Mohan Mahata, Ld. AGP
Mr. Prasanta Behari Mahata

... for the State

Md. Sarwar Jahan,
Mr. S. N. Thander
Mr. Kaustav Roy

... for the Private Respondents nos.6-15

1. The present writ petition is filed seeking for cancellation and/or withdrawal of the purported requisition notice dated 27th May, 2025 and notices of motion dated 3rd June, 2025 issued by the Prescribed Authority and Block Development Officer, Nabagram Block, Murshidabad.

2. The petitioners contend that the alleged requisition notice issued by the requisitionist is absolutely illegal and in violation of the Statute. The Prescribed Authority ought to have issued separate notices under Form 1F for their removal, which has not been followed. In view of the above, the writ petitioners seek for cancellation and/or quashing of the purported requisition notice.

3. Mr. Robiul Islam, learned Advocate for the petitioners submits that the Form 1F has not been issued separately to the members and *Sanchalak* and therefore, it is bad in law. He seeks for cancellation of requisition and notice of motion.

4, Mr. Sarwar Jahan, learned Advocate for the respondent nos.6 to 15 submits that as per proviso to Rule 22(f) of the West Bengal Panchayat (Constitution) Rules, 1975, the meeting is to be convened to consider the motion one after another as per Section 32A(2) of the West Bengal Panchayat Act 1973. The motion as issued in Form 1F is in accordance with law. He seeks a date be fixed for consideration of the notice of motion for removal of the member and *Sanchalak*.

5, Mr. Lalit Mohan Mahata, learned Additional Government Pleader also submits that the notice of motion in Form 1F is in form. The dates have been fixed following Section 32A(2) of the West Bengal Panchayat Act, 1973.

6. In reply, Mr. Islam, learned Advocate for the petitioners submits that the word 'or' in the proviso to Rule 22(f) of the West Bengal Panchayat (Constitution) Rules, 1975 is disjunctive, therefore for removal of one member or *Sanchalak* of one Upa-Samity, there has to be separate notice of motion.

7. Admittedly, upon requisition by the private respondents notices for meeting of motion for removal of member/*Sanchalak* has been issued in Form 1F by the

Prescribed Authority and Block Development Officer on 3rd June, 2025. The precise challenge is that the same should have been made separately.

8. In order to appreciate the aforesaid issue Rule 22(f) of the West Bengal Panchayat (Constitution) Rules, 1975 is reproduced hereunder:

“22(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.”

9. Upon bare reading of the said provision it is found that the meeting is to be 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 the another in the same order as mentioned in sub-section (2) of Section 32A of the West Bengal Panchayat Act, 1973. The removal has been sought for of *Sanchalak/member* from *Krishi-O-Pranisampad Bikash Upa-Samiti, Siksha-O-Jana Sasthya Upa-Samiti, Nari, Sishu Unnayan-O-Samaj Kalyan Upa-Samiti, Shilpa-O-Parikathama Upa-Samiti*. The notices of meeting under Form 1F shows that the dates have been fixed on 11th June, 2025, 12th June, 2025, 13th June, 2025 and 16th June, 2025, which goes to show that the chronology as mentioned in Section 32A(2) of the West Bengal Panchayat Act, 1973 has been followed.

10. It is strenuously argued on behalf of the petitioners that the *Sanchalak* and member cannot be removed by a single notice.

11. Upon going through Rule 22(f) of the West Bengal Panchayat (Constitution) Rules, 1975 it is found that the word 'or' is placed in between member and *Sanchalak*. However, it is relevant to note that there is no such provision in the Act or Rules that the *Sanchalak* and member cannot be clubbed together in a single notice under Form 1F. That being the position, the argument advanced on behalf of the petitioners does not stand to reason.

12. Needless to mention that notice of motion dated 3rd June, 2025 was stayed by this Court on 13th June, 2025.

13. Accordingly, the writ petition being **WPA 12794 of 2025** is disposed of directing the Prescribed Authority and Block Development Officer, Nabagram Block, respondent no.5 to convene meeting of notice of motion for removal of member on 25th, 26th, 27th and 28th August, 2025 following Section 32A of the West Bengal Panchayat Act, 1973 as per Form 1F issued on 3rd June, 2025.

14. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.

15. Interim order, if any, stands vacated.

16. All connected applications, if any, stand disposed of.

17. There shall be no order as to costs.

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

19. 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.)