

08.08.2025
Sl. No.22(DL)
Ct. No.42
srm

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

W.P.A. No. 12907 of 2025

Sanjit Kumar Hansda & Ors.

Versus

The State of West Bengal & Ors.

Mr. Imtiaz Ahmed,
Mrs. Ghazala Firdaus,
Mr. Sk. Saidullah,
Mr. Mithun Mondal,
Mr. Md. Arsalan,
Ms. Zannal Haque

...for the Petitioners.

Ms. Sumita Shaw,
Mr. Soumen Chatterjee

...for the State.

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

By the present writ petition, petitioners seek for reconstitution of the Board by the respondent Nos.3 to 8 and impeachment of the Pradhan, respondent No.9.

The petitioners contend that the private respondent Nos.10 and 11 have sought for their resignation from the Board, Daldali Gram Panchayat before the Block Development Officer, Hura on 7th March, 2025. However, the Block Development Officer has not taken any steps either accepting or rejecting their resignation. The said Board was constituted with six members. The Board consisting of only four

members, which is below the required quorum, have floated e-tender being NIT No.1489/ DGP/2025-26 dated 4th June, 2025 for issuance of work orders. Challenging such action, the petitioners have preferred this writ petition.

Mr. Imtiaz Ahmed, learned Advocate for the petitioners submits that respondent nos. 10 and 11 have submitted their resignation before the concerned authority. The Prescribed Authority has not yet accepted or rejected the prayer of the respondent Nos.10 and 11 of such resignation. The Pradhan has been running the Board with only four members and floated such tender, which is totally illegal. Referring to Section 10 of the West Bengal Panchayat Act, 1973, he indicates that the Prescribed Authority is under statutory obligation to complete such process within a period of 30 days from date of receipt of such letter of resignation. He seeks for appropriate orders for reconstitution of Board and impeachment of Pradhan.

On the contrary, Ms. Sumita Shaw, learned Advocate for the State submits that as regards respondent No.10, Upa-Pradhan his resignation has been accepted on 30th June, 2025 by the Prescribed Authority after giving opportunity of hearing. So far as respondent No.11 is concerned, since he is a member of Gram Panchayat, as per Rule 22(5) of the West Bengal Panchayat (Constitution) Rules, 1975, he has to tender his resignation to the office of the Pradhan. She

also indicates that there is no challenge to the notice inviting tender. She files a written instruction which is taken on record.

Admittedly, the respondent Nos.10 and 11 submitted their resignation before the Block Development Officer on 7th March, 2025. The instruction submitted by the State shows that resignation of respondent no.10 has been accepted on 30th June, 2025. As far as prayer for resignation of respondent No.11 is concerned, the Block Development Officer by letter dated 19th June, 2025 referring to Rule 22(5) of the West Bengal Panchayat (Administration) Rules, 1975, has observed that he is not the appropriate authority to accept the resignation of respondent no.11, who is a member.

In view of the above, respondent no.9, Pradhan, Daldali Gram Panchayat is directed to decide the aspect of resignation of respondent no.11 in terms of Rule 22(5) of the West Bengal Panchayat (Administration) Rules, 1975, in the event such prayer is made by respondent no.11. Further the Prescribed Authority and Block Development Officer, Hura Development Block, respondent no.5 shall take steps which are consequent to acceptance of respondent no.10, Upa-Pradhan in accordance with law.

With the aforesaid directions, the writ petition being **WPA 12907 of 2025** is 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.)