

08.08.2025
Sl.No.24&25(DL)
Ct No.42
srm

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

WPA 13704 of 2025

Kaji Arif & Ors.

-Vs-

The State of West Bengal & Ors.

With

WPA 16762 of 2025

Umme Salma Bibi

-Vs-

The State of West Bengal & Ors.

Mr. Dhananjoy Banerjee,
Mr. Arup Kumar Bhowmik,
Mr. Pralay Hazra

... for the Petitioners in
WPA 13704/2025/Respondent No.8
in WPA 16762/2025

Mr. Gangadhar Das,
Mr. Tanmoy Chattopadhyay

... for the Petitioner in
WPA 16762/2025/Respondent No.6
in WPA 13704/2025

Mr. Amitava Chowdhury,
Mr. Arun Kumar Ghosh

... for the State in WPA 13704 of 2025.

Ms. Priyamvada Singh,
Ms. Amrita Tewari

... for the State in WPA 16762 of 2025.

By the writ petition being WPA 13704 of 2025, the petitioners seek for specific direction upon the respondent authorities particularly the respondent No.2, Block Development Officer to convene meeting in terms of the petition submitted before the Prescribed Authority by the petitioners on 20th May, 2025 under sub-rule (4) of Rule 22 of the West Bengal *Panchayat*

(Constitution) Rules, 1975 (*hereinafter referred to as Rules, 1975*) for removal of respondent no.6, Umme Salma Bibi from the Office of Member of 'Shilpa-O-Parikatham Upa-Samiti', Narhatta Gram Panchayat.

The respondent No.6 has also filed writ petition being WPA 16762 of 2025 seeking for setting aside and/or withdrawal of the notice of meeting on motion for removal of the members under Form 1F.

Pursuant to the earlier order dated 30th July, 2025, the Prescribed Authority and Block Development Officer has furnished report, which is taken on record.

Mr. Tanmoy Chattopadhyay, learned Advocate for the petitioner in WPA 16762 of 2025 submits that as per Rule 22(4)(d) the meeting on receipt of the motion has to be held not later than 15 working days from the date of receipt of the motion by the authority concerned. Such period of 15 working days has already elapsed. Accordingly, the motion has lost its force and cannot be acted upon.

Mr. Dhananjoy Banerji, learned Advocate for the petitioners in WPA 13704 of 2025 at this stage seeks liberty to file a fresh motion for removal of respondent no.6, Umme Salma Bibi.

Admittedly, the motion for removal of member namely respondent no.6 under Sub-Rule (4) of Rule 22 of Rules, 1975 has been received by the authority concerned on 20th May, 2025.

In order to appreciate the issue raised, it will be apposite to reproduce relevant provisions of Rule 22 sub-rules (4)(c) and (4)(d) as hereunder:

“22.(4)(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 1F, 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 spending 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 concerned 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.”

Upon bare reading of the aforesaid provisions, it is found that meeting referred to in sub-rule (c) shall have to be held on a working day which shall not be later than fifteen working days from the date of receipt of motion by the authority concerned. Records show that such period of 15 working days has elapsed. Hence, it is found that the motion dated 20th May, 2025 has lost its force and cannot be acted upon.

Accordingly, liberty is granted to the petitioners in WPA 13704 of 2025 to submit fresh motion for removal of members. Upon receipt of such motion, the Prescribed Authority and Block Development Officer, Englishbazar Development Block, shall act strictly in terms of Rule 22 of the Rules, 1975 and take all consequential steps as required under the provisions of law within the time specified therein.

With the aforesaid directions, both the writ petitions being **WPA 13704 of 2025** and **WPA 16762 of 2025** are 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.**)