

Form No.J(2)

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

Present :

The Hon'ble Justice Raja Basu Chowdhury

WPA 1643 of 2026

**Masud Sk.
Versus
The State of West Bengal & Ors.**

For the petitioners : Mr. Mrityunjoy Chatterjee
Mr. Manas Das
Ms. Suchismita Chakraborty
Mr. Debarnab Adhikary

For the State : Mr. Sukanta Ghosh
Mr. Argha Chatterjee

Heard on : 23.06.2026.

Judgment on : 23.06.2026.

Raja Basu Chowdhury, J (Oral):

1. Perused the report of the Learned Registrar General dated 22nd June 2026. From the aforesaid report it would transpire that in terms of the order dated 16th June 2026 the said order was duly communicated both to the respondent no. 3 as also to the respondent no. 6. In terms of the aforesaid order an affidavit has been filed by the respondent no. 3 affirmed on 22nd June 2026 explaining the circumstances under which he could not comply with the directions passed by this Court on 14th May 2026.

2. The respondent no. 6 has also filed an affidavit, explaining his conduct in failing to adhere to the direction passed by this Court. He is also personally present in Court. The affidavit and the explanation offered by the respondent no. 6 and the respondent no. 3 shall be dealt with in the latter part of the order.
3. The writ petition was filed citing extreme urgency as according to the petitioner, notice of meeting for filing up the post of Pradhan at Rajnagar Gram Panchayat, Malda which had been scheduled at 12.00 noon on 28th January 2026 was served on the petitioner only on 21st January 2026.
4. The petitioner claims to be an elected member of Rajnagar Gram Panchayat (hereinafter referred to as the “said Panchayat”). It is the petitioner’s case that the respondent No. 8 was the Pradhan of the said panchayat who was removed vide order dated 25th August, 2025 passed by the prescribed authority and development officer, Kaliachak-II, Malda. According to the petitioner once, the post of Pradhan fell vacant in terms of Rule 6(1) of the West Bengal Panchayat (Constitution) Rules, 1975 (hereinafter referred to as the “said Rules”), the prescribed authority referred to in Sub Rule (1) of Rule 3, is obliged to call a meeting of the members eligible to participate under Rule 3 of the said Rules, for the election of a Pradhan by fixing a date, place and time and causing a written notice to this effect in Form-1, to be served on each member at least 7 days before the date fixed for such meeting. By drawing

attention of this Court to the statement made in paragraph 6 of the writ petition, it is submitted that though the notice in Form-1 is dated 19th January, 2026, the same has been served on the family member of the petitioner only on 21st January, 2026 and accordingly 7 days' clear notice in terms of Rule 3(1) having not been given, the meeting that is scheduled on 28th January 2026 being illegal, cannot be continued and should be stalled.

5. Independent of the above, it is submitted that though the position of the Pradhan fell vacant on 25th August, 2025, no steps were taken by the prescribed authority within the ordinary period provided in Rule 6(1) of the said Rules. The notice in Form-1 does not disclose whether the above notice has been issued with the concurrence of the District Panchayat Election Officer and as such the aforesaid fixing of date of meeting for the holding of election of the Pradhan is nonest and bad.
6. This Court upon hearing the parties and upon noting that the petitioner having questioned the holding of the meeting without the concurrence of the District Panchayat Election Officer and since Form 1 does not reflect that any concurrence of the District Panchayat Election Officer had been obtained before fixing a date of the meeting and since, admittedly the position of the Pradhan had fallen vacant on 25th August, 2025, and more than 30 days having lapsed after the order of removal, was of the view that the matter requires to be heard. On such ground, the writ petition was

entertained vide order dated 28th January 2026 and the State authorities were directed to produce the records when the matter is taken up next. It was further ordered that the results to be declared by the prescribed authority/election officer in respect of meeting for electing a Pradhan shall abide by the results of the writ petition.

7. The matter was subsequently assigned before this Court by order dated 13th April 2026. When this matter was taken up for consideration on 28th April 2026, an accommodation was sought for on behalf of the Learned Additional Government Pleader and accordingly, the matter was adjourned. On 11th May 2026, neither was the State represented nor were the records produced despite specific direction passed by this Court on 28th January 2026. In such circumstances, this Court directed the respondent no. 6 to produce the records when the matter is taken up next. The petitioner was directed to communicate the order to the office of the Learned Legal Remembrancer.
8. In terms of the aforesaid direction, the petitioner caused the above order to be served on the Office of the Learned Legal Remembrancer and in support thereof, has placed the communication dated 13th May 2026 for consideration which has been taken on record. On the returnable date, that is on 14th May 2026, despite the aforesaid direction, neither the State appeared nor the respondent no. 6 was present along with the records. Accordingly, this Court, to

accommodate the State and the respondent no. 6, directed the matter to be listed on 16th June 2026 when the respondent no. 6 was directed to be personally present before this Court. The respondent no. 3 was also directed to ensure compliance of the order. Notwithstanding such direction, the respondent no. 6 was not present in Court. The records were also not produced. The respondent no. 3 also did not adhere to the direction passed by this Court. On such date, though the State was represented, however, considering the conduct of the respondent nos. 3 and 6 in failing to adhere to the directions despite orders passed by this Court, this Court directed the respondent no. 3 and the respondent no. 6 to file individual affidavits explaining their conduct with a further direction that the respondent no. 6 must appear before this Court today (23rd June 2026) at 10.30 A.M. In terms of the above direction, the Learned Registrar General has caused the order to be served both on the respondent nos. 3 and 6. A report in this regard has been filed.

9. The State is represented and has produced the records.
10. Having heard the learned advocates appearing for the respective parties, the question that falls for consideration as regards merits of the case is whether there has been adherence of Rules 3(1) and 6(1) of the said Rules. To morefully appreciate the same, Rule 3(1) of the said Rules is extracted hereinbelow:

3(1) *As soon as may be after the constitution of Gram Panchayat is notified in the Official Gazette under sub-section*

(4) of section 4, but not later than twenty-one days from the date of publication of the notification or within such further time as may be allowed by the District Panchayat Election Officer for reasons to be recorded by him in this behalf, the prescribed authority appointed for the purpose of sub-section (2) of section 9 shall call a meeting of all the members [referred to in clause (i) of sub-section (2A) of section 4] of such Gram Panchayat for the taking of oath and for the election of a Pradhan and Upa-Pradhan of the Gram Panchayat, by fixing a date, place and time and causing a written notice to this effect in Form 1 to be [served on each of the members referred to in clause (i) of sub-section (2A) of section 4] of the Gram Panchayat at least seven] days before the date fixed for the meeting

11. As would appear from the above in terms of Rule 3(1), the Block Development Officer who is the prescribed authority as referred to in Rule 3(1) of the said Rules is obliged to call for a meeting of all the members for the election of a Pradhan at a fixed date, place and time and cause a written notice to this effect in Form – 1 to be served on each member at least 7 days before the date fixed for such meeting.
12. From the materials available on record it transpires that the notice was served on the petitioner on 21st January 2026 at 9.46 A.M. The aforesaid clearly indicates that the service of notice for holding the meeting was not as per the statute as 7 days clear notice in terms of Rule 3(1) has not been given.
13. There is another aspect of the matter. Since, in this case, admittedly the position of the Pradhan has fallen vacant on 25th August 2025, the prescribed authority was obliged to call for a meeting as soon as but not later than thirty days from the date of

any casual vacancy in the office of Pradhan or Upa-Pradhan, Sabhapati or Sahakari Sabhapati or Sabhadhipati or Sahakari Sabhadhipati by reason of death, resignation, removal or otherwise having regard to the provisions contained in Rule 6(1). In this context, Rule 6(1) of the said Rules is extracted hereinbelow:-

6(1) *As soon as may be but not later than thirty days from the date of any casual vacancy in the office of Pradhan or Upa-Pradhan, Sabhapati or Sahakari Sabhapati or Sabhadhipati or Sahakari Sabhadhipati by reason of death, resignation, removal or otherwise, or within such further time as may be allowed by the District Panchayat Election Officer for reasons to be recorded by him in this behalf of the prescribed authority referred to in sub-rule (1) of rule 3, sub-rule (1) of rule 4, sub rule (1) of rule 5, or sub-rule (1) of rule 5A] shall call a meeting of all the members [eligible to participate under rule 3, rule 4, rule 5 or rule 5A, as may be appropriate] for the election of a Pradhan or an Upa-Pradhan, a Sabhapati or a Sahakari Sabhapati, a Sabhadhipati or a Sahakari Sabhadhipati, as the case may be, by fixing a date, place and time and causing a written notice to this effect in Form 1 [to be served on each such member] at least [seven] days before the date fixed for such meeting”*

14. Having regard to the provisions contained in Rule 6(1) of the said Rules, the prescribed authority can only call a meeting within thirty days from the date of arising of the vacancy in the office of the Pradhan. For holding any meeting beyond such date, he requires the concurrence of the District Panchayat Election Officer as the language in Rule 6(1) of the said Rules clearly indicates that the time period for holding the meeting is not later than thirty days from the date of any vacancy in the post of Pradhan or within such

further time as may be allowed by the District Panchayat Election Officer.

15. The position has now become clear as has been acknowledged by the respondent no. 6 appearing in person, in response to a query of this Court, has stated there was no concurrence of the District Panchayat Election Officer for fixing a date of the meeting. There is also nothing on record to suggest otherwise.
16. Having regard to the above and since, the power of the prescribed authority for holding a meeting beyond 30 days is mandatorily required to be exercised with the concurrence of the District Panchayat Election Officer having regard to the nature of the aforesaid Rule, I am of the view that the entire proceedings initiated on the basis of the notice issued by the prescribed authority being the respondent no. 6 is without jurisdiction, bad and cannot be sustained. As a result, the consequential steps also stand quashed.
17. The aforesaid order shall, however, not interfere with the rights of the respondent no. 6 to take immediate steps in the matter. Accordingly, the respondent no. 6 is directed to forthwith take steps in the matter and seek for concurrence of the District Panchayat Election Officer and hold a meeting in accordance with law not later than seven days from the date of communication of this order.
18. On the aspect of non compliance of the direction passed by this Court, insofar as the respondent no. 3 is concerned, I find that the respondent no. 3 has stated that he could not take steps since the

order dated 14th May 2026 was not available in his office and he was not aware of the specific direction passed by this Court. Although, the explanation does not appear to be adequate as he is a party in the proceedings and the State was represented, however, taking into consideration the fact that there was no previous direction on him, this Court chooses to accept such explanation with a direction that the respondent no. 3 must be careful in future.

19. Insofar as the respondent no. 6 is concerned, this Court finds the explanation provided by the respondent no. 6 to be wholly inadequate. The respondent no. 6 was obviously aware of the direction passed by this Court on 28th January 2026. Despite the same, he chose not to act on the basis thereof. Despite repeated direction, he did not produce the records until the order was communicated to him by the Learned Registrar General. Today, the respondent no. 6 has appeared in person and has undertaken before this Court that in future this conduct shall not be repeated. As such, I propose to accept the explanation on the expressed undertaking given by the respondent no. 6 that in future he shall always promptly adhere to the directions passed by this Court.

20. Accordingly, the personal appearance of the respondent no. 6 stands dispensed with.

21. The records placed before this Court are returned to the Learned advocate appearing for the State.

22. With the above direction and observations, the writ petition is disposed of.

23. All parties shall act on the basis of server copy of this order duly downloaded from this Court's official website.

(Raja Basu Chowdhury, J.)

**Saswata
A.R. (Court)**