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jdt. 11.03.2026
jb.

WPA 4194 of 2026
(Md. Raju Mia vs. State of West Bengal & Ors.)

Mr. Gangadhar Das
Mr. Tanmoy Chattopadhyay
Mr. Jay Laha
.... For the Petitioner
Ms. Sipra Mazumder
Ms. Prativa Ghatak
.... For the State

Affidavit of service filed by the petitioner is taken on record.

The petitioner is the Pradhan of Binodpur Gram Panchayat. He convened meetings of the Gram Panchayat upon notice to the members on 24th April, 2025, 30th May, 2025, 2nd July, 2025 and 14th August, 2025. The private respondent did not attend any of the meetings without leave being granted by the authority. The petitioner submitted a representation before the Sub Divisional Officer under Section 11 (1) (d) of the West Bengal Panchayat Act for removal on disqualification of the private respondent under the said provision of law. The representation was taken up for consideration by the Sub Divisional Officer who, by order passed on 28th January, 2026, accepted the medical documents produced by the private respondent and turned down the request of the petitioner. The petitioner has assailed the said order before this Court.

Learned counsel for the petitioner has taken this Court to Section 11 (1) (d) of the Act which deals with removal of a member of Gram Panchayat after giving him

opportunity of hearing if he is absent from three consecutive meetings without leave of the Gram Panchayat . In terms of Rule 3 of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004, such leave of absence can be granted to its Pradhan, Upa Pradhan or any other member by resolution in a meeting for a period not exceeding three months in a year reckoned according to English calendar.

It appears that no such leave was sought by the private respondent. He failed to attend 4 consecutive meetings convened upon issuance of notice to him. The Sub Divisional Officer has not dealt with this legal aspect in the order impugned. He has only considered the medical documents of the private respondent sympathetically and has granted him leave of absence on health ground. Whether such leave could have been granted by the Sub Divisional Officer or the lapse condoned on such ground has not been considered by the officer.

Learned counsel for the petitioner submits that the Sub Divisional Officer has exceeded his jurisdiction in ignoring the relevant provisions of the Act and the rules in taking a decision solely on humanitarian ground.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that there is substance in the submission made on behalf of the petitioner. The representation submitted by the petitioner before the Sub Divisional Officer needs to be revisited upon taking into consideration the observation made by this Court in the order.

In view of the above, the order impugned dated 28th January, 2026 by the Sub Divisional Officer and the prescribed authority under Section 11 (1) (d) of the Act is set aside. The Sub Divisional Officer, being the 5th respondent herein, is directed to revisit the issue in the light of the observation made in this order and upon granting reasonable opportunity of hearing to all concerned including the petitioner and the private respondent within four weeks from the date of communication of this order.

The decision taken by the authority shall be communicated to the parties within 7 days thereafter.

The writ petition is disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)