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25.11.2026
Ct. No.15
b.das

WPA 6958 of 2026

Sk. Mojammel Hossain
Vs.
The State of W.B. & Ors.

Sk. Moinuddin ...for the petitioner.

Mr. Madhu Jana
Ms. Simran Sureka
Ms. Puja Sonkar ...for the State.

Report submitted by the State is taken on record.

The petitioner was appointed as pump operator in respect of the pump of the water project at Hallyan Mouza as a day labour by virtue of a memo dated 21st July, 2008 issued by the Assistant Engineer, Uluberia Sub-Division. He alleges that he has been removed from the said post by the Pradhan without granting him an opportunity of being heard and the 9th respondent has been appointed in his place. The petitioner seeks his reinstatement as pump operator.

It appears from the report submitted by the State that two notices were served upon the petitioner on 25th November, 2025 and 24th December, 2025 respectively on the basis of a petition submitted by the villagers alleging that the petitioner was not operating the pump on time which was causing immense suffering to the people at large.

By a notice dated 28th January, 2026, the Pradhan informed the petitioner that since the petitioner was not performing his duty properly proceeding for his replacement was initiated. A resolution was taken by the Panchayat for removal of the petitioner and appointment of the 9th respondent as the pump operator in his place.

It is evident that no opportunity of hearing was granted to the petitioner prior to his removal. The notice served upon him only directed him to perform his duty diligently. The notice cannot be termed as notice of hearing or an opportunity of hearing granted to him.

In view of the above, this Court is inclined to hold that the resolution taken by the Panchayat for removal of the petitioner from the post of pump operator without granting him an opportunity of being heard cannot be sustained in law.

The resolution dated 14th January, 2026 insofar as removal of the petitioner and appointment of a new pump operator are concerned is set aside.

The petitioner be reinstated as the pump operator within a week from date. The remaining portion of the resolution shall remain unaltered. However, the concerned authority shall be at liberty to take necessary steps against the petitioner, if so required, in accordance with law.

The writ petition is disposed of accordingly.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)