

24.03.2026
SL No.21
Court No.12
(gc)

**MAT 524 of 2026
CAN 1 of 2026**

**Mojibur Rahaman Biswas & Anr.
Vs.
Mandal Abdur Rashid Alias
Abdur Rashid Mondal & Ors.**

Mr. Robiul Islam,
Mr. K.M. Hossain,
Mr. Sk. Jayed Hossain

...for the Appellants.

Mr. Partha Pratim Roy,
Mr. Samrat Chakraborty

...for the Respondents.

Mr. Jaharlal De, Ld. A.G.P.,
Ms. Sukla Das Chandra

...for the State.

1. The Pradhan is the appellant No.1 who is aggrieved by an order dated March 18, 2026 passed in WPA 3802 of 2026. By the order impugned, the learned Single Judge directed the prescribed authority/Block Development Officer, Jalangi Block to convene a meeting on the basis of a notice of Motion dated February 11, 2026.
2. Her Lordship was of the view that the prescribed authority had intentionally refused to accept the notice of Motion by colluding with the Pradhan and as such, the meeting should be convened within 5 days from the date of the order.
3. Mr. Islam, learned Advocate for the appellants submits that the order is contrary to law. The order was passed by Her Lordship when the outer limit of 30 days for

giving effect to the consequences of the meeting had expired. He submits that the learned Court directed that the meeting should be convened without ensuring compliance of Section 12(2) of the West Bengal Panchayat Act, 1973. He further submits that, even if the prescribed authority had refused service of the Motion, the right which had accrued in favour of the Pradhan upon the Motion becoming ineffective due to expiry of time could not be taken away by order of Court. This aspect was not considered by the learned Court. A right had accrued in favour of the Pradhan, when the Motion had expired due to efflux of time. He submits that Section 12(3) provides specific timelines. The meeting should be called by the prescribed authority within 5 working days from the receipt of notice of Motion. The notice convening the meeting should reach each of the members and 7 days' time should be given to the members to deliberate on such Motion. Thereafter, the meeting should be held not later than 15 working days from the date of receipt of the Motion by the prescribed authority. All the three timelines are mandatory and expired by the time the order was passed by the learned Single Judge. He further submits that the right of the members to have 7 days to deliberate upon such Motion was also taken away by the order of Her Lordship.

4. Mr. Roy, learned Advocate for the requisitionists submits that the timelines have been fixed from the date of receipt of the notice of Motion by the prescribed authority. In this case, the timeline would not start to run as the prescribed authority refused service. The envelope with the endorsement “refused” has been produced before us which was also produced before the learned Single Judge.
5. Mr. De, learned Additional Government Pleader submits that specific instruction was received from the prescribed authority, that, no such Motion was ever received. The Block Development Officer, Jalangi Block did not accept the allegation that he had refused service of the Motion. Mr. Roy contradicts such submission of Mr. De by, inter alia, stating that his clients have a video recording which indicate that the Block Development Officer had intentionally refused service of the Motion awaiting the promulgation of the Amending Act, in which the vote of no confidence against the Pradhan could be made after an extended period.
6. These submissions are disputed questions and it is difficult for us to probe into the allegations and counter-allegations.
7. However, the law mandates a duty upon the prescribed authority to accept a Motion and convene a meeting in accordance with the provisions of the said Act upon

being satisfied that the conditions under Section 12(2) of the said Act had been complied with.

8. However, coming to the order impugned, we find that by the time the order was passed a month had expired. The order does not record compliance of the other sub-sections, namely, Sub-Section (2) and Sub-Section (3). Moreover, the time limits fixed by the statute are mandatory. Section 12(10) provides that the entire matter upto communication of the result of the meeting upon preparation of the report must be completed within 30 days from receipt of the Motion. Sections 12(1), (2), (3) and 10 are quoted below:-

“(1) Subject to other provisions of this section, the Pradhan or the Upa-Pradhan of a Gram Panchayat may, at any time, be removed from his office by the majority of the existing members of the Gram Panchayat, referred to in clause (I) of sub-section (2A) of section 4, expressing their lack of confidence against the Pradhan or the Upa-Pradhan or recording their decision to remove the Pradhan or the Upa-Pradhan, at a meeting specially convened for the purpose.

(2) For the purpose of removal of the Pradhan or the Upa-Pradhan, one-third of the existing members referred to in sub-section (1) subject to a minimum of three members shall sign a motion in writing expressing their lack of confidence against the Pradhan or the Upa-Pradhan or recording their intention to remove the Pradhan or the Upa-Pradhan, indicating party affiliation or independent status of each of such members and either deliver the motion in person through any of the members or send it by registered post to the prescribed authority; one copy of the motion shall be delivered to the concerned office bearer either by hand or by registered post at the Gram Panchayat office and Another copy shall be sent by registered post at his residential address.

(3) The prescribed authority on receipt of the motion shall satisfy himself that it conforms to the requirements of sub-section(2) and on his satisfaction shall specially convene, by issue of notice, 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 sending 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.

(10) On receipt of the minutes of the meeting and the report under sub-section (9), the prescribed authority shall, within next five working days, take such action as he may deem fit and the entire process commencing from submission of motion to the prescribed authority up to the action finally taken by him shall be completed within thirty days.”

9. Under such circumstances, the direction to straightaway convene a meeting is contrary to law.

10. Under such circumstances, the order impugned is set aside.

11. It is made clear that the requisitionists have the liberty to bring a Motion of no confidence for removal of the Pradhan at any stage, upon fulfilment of the provisions of Section 12(1). If such notice is brought, the prescribed authority is to act in accordance with law. The allegations are very serious and it is not expected that an authority under the law would act at the behest of any party.

12. The appeal is disposed of with the liberty to the requisitionists.

13. The prescribed authority and the Pradhan shall not avoid service. If required, police assistance shall be granted for holding the meeting.
14. This is an order of Court and there cannot be any impediment for the prescribed authority to act and proceed in accordance with law, if a fresh Motion as per law is brought by the requisitionists, seeking removal of the Pradhan.
15. In view of disposal of the appeal, the connected application is also disposed of.
16. There shall be no order as to costs.
17. Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)