

June 15, 2026
(81) ARDR

WPA 12537 of 2026

Md Abul Kalam Azad & ors.
Vs.
The State of West Bengal & ors.

Adv. Gangadhar Das,
Adv. Tanmoy Chattopadhyay,
...for the petitioners.
Adv. Sabyasachi Santra,
...for the private respondent.
Adv. Aishwariya Rajyashree,
Adv. Puja Sonkar,
...for the State.

The petitioners are the members of Chandmoni II Gram Panchayat and submitted a requisition for removal of the Pradhan, being the 11th respondent herein before the Prescribed Authority and Block Development Officer on 11th May, 2026 which was received by the latter on the same date. Upon recording satisfaction under Section 12(3) of the West Bengal Panchayat Act, 1973, the prescribed authority, by a notice issued on 18th May, 2026, fixed the date of hearing on 4th June, 2026. The private respondent assailed the said notice before this Court in WPA 12140 of 2026. By an order passed on 29th May, 2026, a coordinate Bench of this Court refused to interfere with the proceeding and directed that any step taken in the meeting would abide by the final result of the writ petition. By a notice issued on 1st June, 2026, the Prescribed Authority postponed the hearing due to non-availability of police personnel as informed by the Inspector in charge, Ratua Police Station, Malda. The petitioners seek a direction upon

the Prescribed Authority to complete the entire proceeding in terms of Section 12 of the Act.

Learned counsel for the private respondent submits that since the prescribed time limit for conclusion of the proceeding under Section 12 of the Act has expired, the writ petition has become infructuous.

I have considered the rival contention of the parties.

In the authority in *Remington Rand of India Limited vs. Workmen* reported in AIR 1968 SC 224 dealing with Section 17 of the Industrial Disputes Act, 1947, the Hon'ble Supreme Court has observed that though Section 17 is mandatory, the time limit to publish the award within thirty days is directory, inter alia for the reason that non publication of the award within period of thirty days does not entail any penalty. The ratio decidendi of the said judgment is applicable in the fact situation of the present case. The requisition notice was received by the prescribed authority on 11th May, 2026. The authority was supposed to complete the entire procedure in terms of Section 12(10) of the Act within 10th June, 2026. Non compliance of the said mandate does not entail any penalty upon the prescribed authority.

In view of the proposition of law laid down by the Hon'ble Supreme Court, this Court directs the prescribed authority/Block Development Officer, Ratua 1 Development Block, being the 7th respondent herein, to fix the date of hearing within ten days from the date of communication of this order upon service of notice to the parties. The 7th

respondent shall take the proceeding to its logical conclusion in terms of Section 12 of the Act.

The Inspector in charge, Ratua Police Station, being the 8th respondent herein, is directed to render necessary police assistance to the 7th respondent for holding the meeting.

The writ petition is accordingly disposed of.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the 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.)