

16.06.2026
rc/ct.no.15
Item No.46

WPA No. 12726 of 2026
Merina Bibi Biswas
Versus
The State of West Bengal & Ors.

Mr. Oishik Chatterjee
Mr. Amanul Islam
Mr. Sourav Mukherjee ...for the Petitioner

Mr. D.N.Ray, Ld. G.P.
Mr. Madhu Jana
Ms. Puja Sonkar ...for the State

Mr. Atis Kumar Biswas
Mr. Asraf Mandal
....for the private respondent nos. 5 to 16

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

The petitioner who is the Pradhan of Natidanga – II Gram Panchayat has assailed the requisition notice dated May 27, 2026 submitted by the private respondents who are the members of the Panchayat, seeking her removal primarily on the ground that the notice contains a stigma against her which is not enjoined in law. The notice is bad only on such score.

Learned counsel for the private respondents submits that 12 out of 15 members of the Panchayat have floated the requisition and the averments made therein cannot be said to be stigmatic.

I have considered the rival contention of the parties and perused the requisition notice dated May 27, 2026.

The notice states that the private respondents have lost confidence in the petitioner on the ground of allegation of financial irregularity and other inappropriate conduct of the Pradhan.

It is settled law as discussed in the judgment delivered by an Hon'ble Division Bench of this Court in AIR 2023 Calcutta 189 that if a notice for removal of the Pradhan contains stigma, such notice should not be acted upon since the scheme of Section 12 of the West Bengal Panchayat Act, 1973 does not contemplate granting opportunity of hearing to the concerned officer bearer to refute the allegation made against her. Such allegation may have an adverse impact on the future political career of the person.

The averments made in the requisition notice dated May 27, 2026 apparently contain stigma on the petitioner, such allegation being extremely serious in nature. In view of the fact that the petitioner has not been provided an opportunity under the Act to deny/dispute the allegation made against her in the notice, such notice is not sustainable in the eye of law and is required to be quashed.

Accordingly, the notice dated May 27, 2026 submitted by the private respondents is quashed. However, the private respondents are at liberty to submit a fresh requisition notice in terms of Section 12 of the Act before the Block Development Officer/ Prescribed

Authority, being the 4th respondent herein. The 4th respondent is directed to deal with the notice in terms of Section 12 of the Act.

The writ petition is disposed of.

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)