

16.07.2026
rc/ct.no.15
Item No.37

WPA No. 14692 of 2026
Sherful Shaikh & Ors.
Versus
The State of West Bengal & Ors.

Mr. Md. Sarwar Jahan
Mr. Shahan Shah
Mr. Debabrata Mondal
Ms. Sreetama Neogi
Mr. Md. Shahjahan ..for the petitioner

Mr. D.N.Ray, Ld. G.P.
Mr. Madhu Jaha
Mr. Ajit Kumar Chaubey
Ms. Puja Sonkar ...for the State

Mr. Robiul Islam
Sk. Jayed Hossain
Mr. Raju Mondal
Mr. Masooq Rahaman ...for the Private Respondents

The petitioners who are the members of 10 Patikabari Gram Panchayat submitted a no confidence motion for removal of the Pradhan of the Panchayat before the Prescribed Authority on June 01, 2026 which was received by the latter on the same date. By a notice issued on June 09, 2026, the Prescribed Authority fixed the date of meeting on June 18, 2026. However, by a subsequent notice issued on June 15, 2026, the meeting was postponed due to non-availability of police assistance. The petitioners seek a direction upon the Prescribed Authority to convene the meeting and conclude the proceeding in accordance with law.

Learned counsel for the private respondents submits that since the period of 30 days from the date of receipt of

the motion as contemplated in Section 12(10) of the West Bengal Panchayat Act, 1973 has expired, the motion has become invalid and cannot be acted upon.

I have considered the rival contention of the parties.

It is a fact that the period of 30 days from the date of receipt of the motion has expired on June 30, 2026. The meeting could not be held on June 18, 2026 due to non-availability of police assistance which can be termed as a circumstance beyond the control of the Prescribed Authority as stated in Section 12(4) of the Act. In such situation, this Court is of the view that the time period of 30 days prescribed under Section 12(10) of the Act stands extended correspondingly (judgment in MAT No. 992 of 2022 dated July 15, 2022).

At this juncture, this Court intends to rely on the authority in **C. Bright vs. District Collector and Others** reported in **(2021) 2 SCC 392** wherein the Hon'ble Supreme Court has dealt with the rule of interpretation of statutes and has observed that the use of word 'shall' in the statute does not necessarily mean that in every case it is mandatory that unless the words of the statute are literally followed, the proceedings or the outcome of the proceedings would be invalid. When the statute uses the word 'shall', prima facie, it is mandatory, but the Court may ascertain the real intention of the legislature by carefully attending to the whole scope of the statute. The principle of liberal construction of the statute alone in all

circumstances may not serve the purpose of the statute. Referring to a judgment in ***Remington Rand of India Limited vs. Workmen*** reported in ***AIR 1968 Supreme Court, 224*** dealing with Section 17 of the Industrial Disputes Act, 1947, the Hon'ble Court has stated that though Section 17 is mandatory, the time limit to publish the award within 30 days is directory inter alia, for the reason that non publication of the award within the period of 30 days does not entail any penalty.

The proposition of law laid down in the said judgments is applicable in the fact situation of the present case. In view of the fact that the time frame laid down under the Act can be said to be directory and not mandatory, the proceeding cannot be said to be vitiated due to expiry of the time frame laid down in the Act.

The Prescribed Authority and Block Development Officer being the 4th respondent is directed to convene the meeting within 10 days from the date of communication of this order upon service of notice to the concerned parties and take the proceeding to its logical conclusion at the earliest in accordance with law.

The Officer in Charge, Nowda Police Station, being the 6th respondent herein, is directed to render necessary assistance to the 4th respondent so that the meeting is held peacefully and without any disturbance from any corner whatsoever.

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)