

WPA 15305 of 2026

Rafikul Islam & Ors.
Vs.
The State of W.B. & Ors.

Mr. Sabyaschi Chatterjee
Mr. Kiron sk.
Ms. Monalisa Sinha
Mr. S. Hossain
Mr. Jamiruddin Sk.
Mr. Rohan Mahabub ...for the petitioners.

Mr. Partha Sarathi Basu
Mr. S. Majumdar ...for the State.

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

The petitioners are members of Herampur Gram Panchayat and floated a no confidence motion against the Pradhan of the Panchayat before the Prescribed Authority. The Prescribed Authority, by a notice issued on 19th May, 2026, fixed the date of meeting on 2nd June, 2026.

The Pradhan tendered her resignation before the Prescribed Authority which was accepted by the latter on 29th May, 2026. A notice was issued by the Prescribed Authority on 9th June, 2026 fixing the date of meeting for election of Pradhan on 18th June, 2026. By a subsequent notice issued on 17th June, 2026, the said authority postponed/cancelled meeting for the time being 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.

Rule 6(1) of the West Bengal Panchayat (Constitution) Rules, 1975 contemplates that a casual vacancy in the office of the Pradhan shall be filled up not later than 30 days from the date the vacancy arises.

In the present case, the resignation of the Pradhan has been accepted with effect from 29th May, 2026 and the meeting was scheduled within the statutory period of time. However, it was postponed due to circumstances beyond control of the Prescribed Authority.

In view of the above, this Court is inclined to hold that since the statutory period laid down in the rule has already been expired, the Prescribed Authority and Block Development Officer, Raninagar Development Block-I, being the 5th respondent herein, is directed to consider the date of communication of this order as the date of acceptance of resignation of the erstwhile Pradhan, convene a meeting within 10 days from the date of communication of this order and take the proceeding to its logical conclusion, in accordance with law.

The Officer in Charge of Islampur Police Station, being the 7th respondent herein, is directed to render necessary assistance to the 5th respondent so that the meeting is held peacefully and without any disturbance from any corner whatsoever.

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.)