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jdt. 10.07.2026
jb.

WPA 15873 of 2026
(Alauddin vs. State of West Bengal & Ors.)

Mr. Abhratosh Majumder
Ekramul Bari
Sk. Imtiaj Uddin
.... For the Petitioner

Md. Sarwar Jahan
Md. Nauroz Rahber
Shahin Parveen
Mr. Sandeep Sinha
.... For the Respondent nos. 6 – 17
Mr. D. N. Ray
Mr. Madhu Jana
Mr. Vinayak Chaubey
.... For the State

The petitioner who is the Pradhan of Goagoan II Gram Panchayat assails the notice of meeting issued by the Prescribed Authority on 3rd July, 2026 fixing the date of meeting on 13th July, 2026 on several counts. Learned counsel for the petitioner submits that the no confidence motion was issued by the private respondents/requisitionists/members on 5th June, 2026 and received by the Prescribed Authority on the same date. Notice of meeting in Form 1E was issued by the Prescribed Authority on 12th June, 2026 fixing the date of meeting on 29th June, 2026. The said notice was challenged by the petitioner before this Court in WPA 14163 of 2026. The writ petition was dismissed by an order passed on 25th June, 2026. On the same date, the police authority informed their inability to provide adequate police assistance to the Prescribed Authority for the meeting. Instead of initiating fresh proceeding, a

fresh notice was issued by the Prescribed Authority in Form 1E in continuation of the earlier notice fixing the date of meeting on 13th July, 2026. Learned counsel submits that the outer limit of 30 days prescribed under Section 12(10) of the West Bengal Panchayat Act, 1973 expired on 5th July, 2026 whereas the notice was served upon the petitioner on 6th July, 2026.

In view of the above, the notice dated 3rd July, 2026 is bad in law and needs to be quashed. Learned counsel has placed reliance on an order passed by a co-ordinate Bench of this Court in WPA 20088 of 2021 on 17th December, 2021 wherein in a similar situation, the notice was set aside on the ground that it was issued on the 47th day from the date of submission of the motion and was in derogation of Section 12(10) of the Act.

Learned counsel for the respondent nos. 6 to 11 opposes the prayer and places reliance on an order passed by an Hon'ble Division Bench of this Court in MAT 992 of 2022 on 15th July, 2022 wherein in a similar situation the Hon'ble Division Bench has referred to sub-section (4) of Section 12 of the Act and has observed that when the Prescribed Authority postpones the meeting because of non availability of adequate police personnel, such situation is contemplated under Section 12(4) of the Act and the time period of 30 days prescribed under sub-section 10 of Section 12 stands extended correspondingly.

I have considered the rival contention of the parties.

It is a fact that the no confidence motion was received by the appropriate authority on 5th June, 2026 and the time frame set out under Section 12(10) of the Act expired on 4th July, 2026. The first meeting was called by a notice issued on 12th June, 2026 fixing the date of meeting on 29th June, 2026. On the said date, the meeting could not be held due to non availability of adequate police assistance which was a situation beyond control of the Prescribed Authority as enumerated under Section 12(4) of the Act. Fresh notice of the meeting was issued on 3rd July, 2026 fixing the date of meeting on 13th July, 2026.

Learned counsel for the petitioner has pointed out that the second notice could not have been issued in Form 1E since a notice in Form 1E is issued pursuant to a requisition/motion submitted before the Prescribed Authority. Such notice of meeting could have been issued only upon a fresh motion being submitted.

It appears that the subsequent notice has been issued fixing the date of meeting in view of adjournment of the meeting on the earlier date. The nomenclature of the notice is not important. The content of the notice needs to be considered.

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 ratio decidendi of the said judgment is squarely applicable in the fact situation of the present case.

The observation of the Hon'ble Division Bench in MAT 992 of 2022 that when a meeting is adjourned for reasons beyond control of the Prescribed Authority, the

time period of 30 days prescribed under Section 12(1) of the Act also stands extended correspondingly, is relevant.

In view of the proposition of law laid down by the Hon'ble Supreme Court as well as the Hon'ble Division Bench of this Court, this Court is inclined to hold that the notice of meeting issued on 3rd July, 2026 fixing the date of meeting on 13th July, 2026 cannot be said to be invalid/bad in law for the reasons recorded hereinabove.

The writ petition is devoid of any merit and is accordingly dismissed.

The Prescribed Authority and the Block Development Officer, Goalpokher-I, being the 2nd respondent herein, is directed to conduct the meeting on the date fixed and take the proceeding to its logical conclusion in terms of Section 12 of the Act.

The Officer in charge, Goalpokher Police Station, being the 5th respondent herein, is directed to render necessary assistance to the 2nd respondent so that the meeting is held peacefully without any disturbance from any corner whatsoever.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)