

10.06.2026

Sl. No.30

Ct. No.6

ss

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 811 of 2026

**Smt. Sunam Kalowar
versus
The State of West Bengal & Ors.**

Mr. Momenur Rahaman

Mr. Bikash Singha

...for the Petitioner.

Mr. Kunaljit Bhattacharjee, Ld.AGP

Ms. Esha Acharya

...for the State.

Mr. Sarwar Jahan (through virtual mode)

Mr. Gourav Das (through virtual mode)

... for the added respondents-
requisitionists

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. By the present writ petition the petitioner seeks for setting aside and/or quashing of the notice dated 1st June, 2026 issued by the Prescribed Authority and Block Development Officer, Dinhata-I Development Block of convening meeting on motion for removal of the Pradhan of Gitaldaha-I Gram Panchayat under Dinhata-I Development Block, Coochbehar (*hereinafter referred to as the 'said Gram Panchayat'*).
3. Mr. Gourav Das, learned Advocate led by Mr. Sarwar Jahan, learned Advocate appearing

through virtual mode, at the outset, submits that their clients are the nine requisitionists who submitted their requisition of *no confidence* and for removal of Pradhan of said Gram Panchayat, before the Prescribed Authority. However, being necessary parties, they have not been impleaded as party-respondents in the present proceeding. He seeks for impleading the nine requisitionists as respondents in the present proceedings.

4. Mr Momenur Rahaman, learned Advocate for the petitioner concedes to such submissions and seeks leave to implead the above nine requisitionists as added respondents.
5. Leave granted.
6. Accordingly, let the nine requisitionists whose names are appearing in Annexure P4 at page 23 to the writ petition be added as respondent nos.8 to 16 in the cause-title of the writ petition.
7. Learned Advocate on record for the petitioner is directed make necessary incorporation in the cause title of the writ petition. He is further directed to serve copy of the writ petition along with its annexures upon the learned Advocate representing the requisitionists, being added respondents nos.8 to 16 herein.
8. The petitioner contends that she was elected as the Pradhan of said Gram Panchayat in the meeting convened on 11th August, 2023 and is

presently discharging her official functions in the said capacity. On 25th May 2026 a requisition has been submitted by the added respondents before Prescribed Authority seeking for her removal. Such requisition is not sustainable in law inasmuch as it has been made within a period of three years of the petitioner being elected as Pradhan of the said Gram Panchayat, which is violative of the amended provisions of Section 12(12) of the West Bengal Panchayat Act, 1973 (*hereinafter referred to as the 'Act of 1973'*). In view of the above amended provisions the notice of meeting on motion for removal of Pradhan dated 1st June, 2026 issued by the Prescribed Authority basing on such illegal requisition is bad in law. Being aggrieved by and dis-satisfied with the aforesaid action of the Prescribed Authority the petitioner has preferred the present writ petition challenging the impugned notice of the Prescribed Authority dated 1st June, 2026.

9. Mr. Rahaman, learned Advocate for the petitioner submits that such notice has been issued prior to completion of three years in office by the concerned Pradhan, who is the petitioner before this Court. The amended provisions of Section 12(12) of the Act of 1973 introduced by dint of Gazette Notification dated 7th February,

2026 clearly envisages that no meeting for removal of the Pradhan or the Upa-Pradhan under the section shall be convened within a period of three years from the date of election of the Pradhan. Hence, the notice of meeting on motion for removal of Pradhan dated 1st June, 2026 issued by the Prescribed Authority, the Block Development Officer, Dinhata-I Development Block within three years of election of Pradhan is bad in law and should be set aside in the interest of justice. He seeks for appropriate orders.

10. Mr. Kunaljit Bhattacharjee, learned Additional Government Pleader at the outset indicates that the Gazette Notification annexed to the writ petition at page 27 (Annexure P6) is an amended Bill wherein the period of two and half years bar in convening meeting on motion for removal of Pradhan or Upa-Pradhan have been proposed to three years. However, such Bill has not yet got the assent of the Governor of West Bengal. Therefore, such amendment of West Bengal Panchayat Act, 1973 to that extent cannot be said to have any force as on date. The period of two and a half years bar in convening meeting on motion for removal of Pradhan under Act of 1973 still exist. The notice of motion has been issued by the Prescribed Authority after expiry of such

statutory period of two and half years. Hence, the above ground taken by the petitioner is not tenable in the eye of law. He seeks for dismissal of the writ petition.

11. Mr. Jahan, learned Advocate for the added respondents-requisitionists appearing through virtual mode also submits in the similar fashion. He also seeks for dismissal of the writ petition.
12. Upon hearing the learned advocate for the respective parties the only issue which falls for consideration is whether the impugned notice dated 1st June, 2026 issued by the Prescribed Authority is sustainable or not.
13. Admittedly, the petitioner was elected as Pradhan of the said Gram Panchayat in the meeting convened on 11th August, 2023. The requisition seeking for removal of Pradhan has been made by the added respondents-requisitionists on 25th May, 2026 (Annexure P4). Pursuant to such requisition, the notice of meeting on motion for removal of Pradhan under Form 1E has been issued by the Prescribed Authority and Block Development Officer, Dinhata-I Development Block on 1st June, 2026, which is the impugned notice. Now it is to be examined whether the impugned notice of the Prescribed Authority is violative of Section 12 (12) of the Act of 1973.

14. It has been strenuously argued on behalf of the petitioner that the amended provisions of Section 12(12) of the Act of 1973 introduced by dint of Gazette Notification dated 7th February, 2026 since envisages that no meeting for removal of the Pradhan or the Upa-Pradhan under the section shall be convened within a period of three years from the date of election of the Pradhan, the impugned notice is bad in law being issued within such period. Be that as it may, the Gazette Notification dated 7th February, 2026 annexed to the writ petition is the amended Bill. Learned Additional Government Pleader as well as learned advocate for added respondents have refuted such submissions by contending that the amended Bill has not been given effect as yet by any notification of the Act upon assent of the Governor. Nothing has been shown on behalf of the petitioner that such amendment has come into force by way of an Act. Thus, the argument that the period of two and a half years bar in convening meeting on motion for removal of Pradhan has been extended to three years by way of an amendment does not hold good.
15. In order to examine the issue as raised in the writ petition it would be apposite to reproduce the relevant provisions of Section 12(12) of the West Bengal Panchayat Act, 1973 as hereunder:

“(12) Notwithstanding anything contained in sub-section (1), no meeting for removal of the Pradhan or the Upa-Pradhan under this section shall be convened within a period of two and a half years from the date of election of the Pradhan or the Upa-Pradhan either at the first meeting following reconstitution of Gram Panchayat or for filling casual vacancy in the said office.”

16. Upon bare reading of the aforesaid provision, it manifest that no meeting for removal of the Pradhan or the Upa-Pradhan under this section shall be convened within a period of two and a half years from the date of election of the Pradhan or the Upa-Pradhan. From the materials on record, it is found that such requisition as well as the notice of meeting on motion for removal of Pradhan under Form 1E has been issued by the Prescribed Authority after expiry of two and a half years. Therefore, the ground taken in the writ petition as above fall short of merit.
17. Thus, the impugned notice dated 1st June, 2026 of meeting on motion for removal of Pradhan under Form 1E issued by the Prescribed Authority cannot be said to be infirm on the above ground as asserted on behalf of the petitioner.
18. Accordingly, the writ petition being **WPA 811 of 2026** stands dismissed.

19. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
20. Interim order, if any, stands vacated.
21. All connected applications, if any, stand disposed of.
22. There shall be no order as to costs.
23. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
24. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)