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March 19, 2021.
AKG

**CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri**

WPA 392 of 2021

(Through Video Conference)

**Joydip Sengupta
-vs.-
The State of West Bengal & Ors.**

Mr. Hillol Saha Podder

....for the Petitioner.

Mr. Raja Saha,
Mr. Sanjoy Mukherjee

...for the Respondent Nos. 4 to 7.

Mr. Subir Kumar Saha, AGP
Mr. Bikramaditya Ghosh,

...for the State.

It is the grievance of the petitioner that in advertising twelve vacancies for filling up the posts of 'Sub-Staff', the respondents did not follow the recruitment procedure, namely Method of Recruitment and Conditions of Service under Rule 106, Sub-Rule 4 (4) of the West Bengal Co-operative Societies Rules, 2011 which provides as follows :-

"(4) Not more than 30 per cent of the sanctioned posts in the establishment of an apex or central society shall be filled up by promotion of fit and suitable employees of the societies affiliated to it."

Mr. Raja Saha, learned advocate appearing on behalf of the respondent nos. 4 to 7 submits that the recruitment is being undertaken by his client which is a “Co-operative Credit Structure Entity” within the meaning of Section 134B of West Bengal Co-operative Societies Act, 2006.

The attention of this Court has been drawn to the provisions of Rule 106 of the said Rule of 2011 whereby the application of the said Rule has been excluded with regard to “Co-operative Credit Structure Entities.”

It is, therefore, the contention of the respondent nos. 4 to 7 that the rule for reservation as cited by the learned advocate for the petitioner does not apply to them.

Admittedly, the recruitment is being undertaking at the instance of Jalpaiguri Central Co-operative Bank Ltd. which is a “Co-operative Credit Structure Entity” within the meaning of Section 134B of West Bengal Co-operative Societies Act, 2006.

The Rule 106 of the West Bengal Co-operative Societies Rules, 2011 was amended by a notification dated 26.12.2012 with effect from 01.02.2013 vide notification no. 3857-Co-op./H/2R-09/2012. By the said amendment the words “other than Co-operative Credit Structure Entities” have been inserted in the

opening paragraph of said Rule. The relevant part of said Rule 106 reads as follows:

“106. Method of recruitment and conditions of service of the officers and employees of co-operative societies.—

The method of recruitment and conditions of service of the officers and employees of co-operative societies [other than Co-operative Credit Structure Entities] shall, subject to the terms of specific contract enforceable by law and the provisions of any law for the time being in force, be as enunciated in the Appendix to this Chapter.”

(emphasis supplied)

In that view of the matter, there is no applicability of Rule 106 of the West Bengal Co-operative Societies Rules, 2011 to the impugned recruitment procedure.

The writ petition is devoid of merit and accordingly, the WPA 392 of 2021 is dismissed without any order as to costs.

Certified website copy of this order, if applied for, be immediately made available to the learned advocates appearing for the parties upon compliance of all requisite formalities.

(Kausik Chanda, J.)