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06.07.2022
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W.P.A. 3640 of 2021
(CAN 1 of 2021)
(Saikh Mokbul Alam vs. State of West Bengal & Ors.)

Mr. Apurba Kr. Dutta
Mr. Kuntal Banerjee
.... For the Petitioner

Mr. Pradip Kr. Roy
Mr. Joydeep Roy
.... For the State

Mr. Kamalesh Bhattacharyya
Mr. Sudip Ghosh Choudhury
.... For the Respondent No. 4

Md. Sarwar Jahan
Maidul Islam Kayal
.... For the Respondent Nos. 7-10 and 11

Dispute raised in the writ petition, is not maintainable before this Court under Article 226 of the Constitution of India. There is an alternative remedy. The petitioner has challenged the decision of the Board of Directors of a Co-operative society to appoint the respondent Nos. 7 to 11 as casual workers in a cold storage. Such decision was allegedly taken by the Board of Directors in its meeting on March 23, 2020, without holding a proper annual general meeting. The other allegation is that at the time of engagement of casual

workers, wide publication was not made in the local dailies. Applications from eligible candidates had not been invited. Reliance is placed on a communication of the Deputy Registrar of Co-operative Societies addressed to the then Chairman, Boinchee CADP Farmers' Service Co-operative Society Limited, indicating that some irregularities had been detected in the affairs of the society upon an enquiry by the Inspector of Co-operative Societies, Pandua Development Block. The Board of Directors was directed to take a call, on these issues. The enquiry report indicates that appointment of four casual staffs were also one of the irregularities which had been detected.

A co-ordinate Bench, by an interim order had stayed the appointments. Now it is informed that the appointments have been discontinued.

Under such circumstances, even though the petitioner may have a good reason to raise an objection to the decision of the Board, the appropriate remedy of the petitioner would be to raise such dispute in terms of Section 102 of the West Bengal Co-operative Societies Act, 2006. Once such dispute is raised before the concerned Assistant Registrar of Co-operative Society, the said authority will act in accordance with law. With regard to the allegation that on the basis of the interim order passed by this Court, the casual staffs have been discontinued, the Court does not make any observation.

Such persons are at liberty to pursue their remedy in accordance with law. The dispute case, if raised before the Assistant Registrar of the co-operative societies, shall be decided within a period of three months from the date of communication of this order, in accordance with law, independently and without being influenced by the orders passed in the writ petition. The period which was consumed before this Court shall be available to the petitioner for explanation of the delay in filing the dispute case.

The writ petition is thus disposed of.

There shall be no order as to costs.

Consequently CAN 1 of 2021 is also disposed of.

All parties are to act on the basis of the website copy of this order.

(Shampa Sarkar, J.)