

Ct. 05
Item No.30
14.07.2022
(suvendu)

WPA 12042 of 2022

Sri Sanjay Kumar Sharma
Vs.
State of West Bengal & Ors.

Mr. Tanmoy Basu
Mr. Manoj Adak
Mr. Debdip Mondal
.....for the petitioner
Mr. Nilotpal Chatterjee
.....for the State
Mrs. Sonal Sinha
Mr. Abhishek Prasad
Mr. Agniswar Chowdhury
.....for the respondent nos. 2-6
Mr. Agniswar Chowdhury
..for the President, Malda Bar Association
Mr. Avinash Kankani
....for the Bar Council of India

Affidavit of service is taken on record.

The petitioner is a member of the Malda Bar Association. The Malda Bar Association has been made a party respondent and is represented by its Executive Body.

The grievance of the writ petitioner is that the Executive Body has not held elections of the Malda Bar Association for the last two years, i.e. 2021 and 2022.

Paragraph 4 of the writ petition names the ten persons who presently formed the Executive Body. It is undisputed that these ten persons have been in the Executive Body from 2020. The relevant

Rules and By-laws particularly Rule 18 provided that the elections shall be held every year.

The Executive Body is represented. According to learned counsel, the Executive Body has done a good work and there is no complaint made by any of the members of the functioning of the Executive Body. Counsel hands up a Resolution of 31.01.2022 reflecting the Annual General Meeting of the Malda Bar Association for the year 2021 and the discussion on the agendas mentioned in the Notice circulated from time to time.

After considering the position taken on behalf of the parties and the material disclosed before the Court, there is no explanation as to why no elections have been held for the Malda Bar Association after 15.02.2020. The excuse of the COVID-19 pandemic cannot be permitted to be taken ad infinitum and the elections for any Body consisting of a large number of members must be held as provided under the Rules and By-laws to preserve the democratic principles of election and representation.

WPA 12042 of 2022 is disposed of with a direction on the General Body of the Malda Bar Association under the Rules and Regulations as amended on 19.01.1966 to hold the elections within eight weeks from date, as prayed for.

It is excepted that due cooperation and assistance shall be given by all the members of the Malda Bar Association for conducting the elections peacefully and without any disruption in any form.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Moushumi Bhattacharya, J.)