

AD. 208.
April 22, 2022.
MNS.

WPA No. 15282 of 2019

Sannyashi Mondal
Vs.
State of West Bengal and others

Mr. Baidurya Ghosal

...for the petitioner.

Mr. P. K. Roy,
Mr. Joydeep Roy

...for the State.

Mr. Srijan Nayak,
Mrs. Rituparna Maitra,
Mr. Biplob Das

...for the Election Commission.

Mrs. Reshmi Ghosh,
Mr. Souvik Ghosh

...for the added respondents.

The grievance of the petitioner, one Sannyashi Mondal, who is a member of the concerned Co-operative Society, is that the election of the Co-operative Society held on December 4, 2017 suffered from a lot of irregularities. In the writ petition, the petitioner has, in fact, prayed for an investigation by the Central Bureau of Investigation or the Central Vigilance Commission or any other authority.

It is seen from a report filed by the Assistant Registrar of Co-operative Societies, pursuant to a previous order of a Co-ordinate Bench, that the complainant, being the then manager, one Kalipada Biswas, had failed to substantiate that the said

complainant had handed over a list of the defaulting members to the Assistant Returning Officer (ARO) at the time of the election.

The petitioner, on the ground that he was one of the candidates in the election and had initially been declared to be one of the elected Directors of the Board, subsequently found that the said results were altered. Such challenge being preferred to the Co-operative Election Commission, pursuant to a direction of a Co-ordinate Bench dated September 4, 2018 passed in W.P. No. 10235(w) of 2018, the Co-operative Election Commission disposed of the challenge of the petitioner and came to the conclusion that the petitioner could not submit any document or paper which could substantiate his claim. The Co-operative Election Commission also held that the election of the Board of Directors of the Co-operative Society stood valid and rejected the petition of the present writ petitioner.

In such view of the matter, the prayer made in the instant writ petition is absolutely frivolous and cannot withstand judicial scrutiny. Since the Co-operative Election Commission, West Bengal, which is the appropriate authority in law to decide any challenge to an election, has finally decided the issue by coming to the conclusion that the election under challenge was held in a valid manner, the scope of success of the present challenge is nil.

In such view of the matter, WPA 15282 of 2019 is disposed of without any order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)