

23rd November, 2022
(D/L No.13)
(SKB)

W.P.A. 25061 of 2022

Deb Kishore Majumdar
Versus
The State of West Bengal and others

Mr. Ranojoy Chatterjee,
Mr. Debottam Das
... for the petitioner.

Mr. Partho Sarathi Bhattacharya,
Mr. Sonal Sinha,
Mr. Agnishwar Chaudhury
... for the respondent nos.2 to 4.

The petitioner seeks suspension of an election of the Malda Bar Association, which is scheduled to be held tomorrow i.e. 24th November, 2022.

The grievance of the petitioner relates to the petitioner's name being excluded from the final voters' list of the Malda Bar Association Election-2022. The Petitioner seeks to make out a case that a request for copies of resolutions of meetings held on three days in July and September, 2022 may have a bearing on the petitioner being excluded from the final voters' list.

Learned counsel appearing for the respondents Bar Association and its office bearers places documents to show that the petitioner was present on the date when the general body resolution was taken i.e. 26th July, 2022. Counsel further submits that the petitioner was communicated with the decision of his name not being in the voters' list on 11th November, 2022.

Upon hearing learned counsel and considering the material places before the court, it is evident that the petitioner was present at the meeting held on 26th July,

2022 when the charge of defalcation of funds was made and discussed by the members of the general body. The charge is of an amount of Rs.57,000/- being due from the petitioner. The signature of the petitioner as a member present in the meeting is also part of records. The returning officer communicated the decision of the petitioner's name being deleted from the final voters' list on 11th November, 2022.

There is nothing on record to show that the petitioner has a substantive defence to the charge of defalcation or that the charge was made on false and incorrect grounds.

The election is scheduled for tomorrow. By an earlier proceeding the petitioner himself sought for holding of the elections of the Malda Bar Association on the ground that elections have not been held since February, 2020. Hence, this court finds no reason to interfere with the elections and that too on a date preceding the date on which the election is to be held.

W.P.A.25061 of 2022 is accordingly dismissed without any order as to costs.

(Moushumi Bhattacharya, J.)