

21.03.2023
Court No. 19
Item no.02
CP

W.P.A. No. 4377 of 2023

Smt. Kabari Paul Das

Vs.

The State of West Bengal & Ors.

Mr. Salil Kumar Maity

Ms. Dolan Samali

....for the petitioner.

Mr. Gausul Alam

Mr. Ranjit Rajak

....for the State.

Mr. Dilip Kumar Maity

....for the respondent nos. 9 & 11.

The allegation of the petitioner is entirely against the members of the self-help group (SHG). The petitioner was a member of a SHG.

She was engaged in the Itamagra – II Gram Panchayat as a data base collector. Such engagement was allegedly according to the procedure laid down by the Project Director, DRD Cell Purba Midnapore Zilla Parishad dated September 9, 2011.

The petitioner contends that there were disputes with regard to repayment of a loan taken from the group, which had not been repaid within time.

Consequently, on various allegations of defalcations etc. the President and Secretary of the

Itamagra – II Basundhara Mahila Prathamik Bahumukhi Sangha Samabaya Samiti Limited had ousted the petitioner from the said group and asked the petitioner to return the relevant records, documents, keys etc. It also appears that because the petitioner had withheld the books of accounts, the keys and other important documents, the audit of the sangha had been withheld. The petitioner apprehends that due to such termination or cancellation of her membership, her engagement as a database collector in the said gram panchayat shall also be discontinued.

The learned advocate for the gram panchayat is not in a position to apprise the court as to whether the petitioner is continuing as a data base collector and whether any money is being paid to her.

The Block Development Officer, Mahishadal Development Block has filed a paragraph-wise report. From the said report it appears that the petitioner had taken some loan while she was a Sampadika of Annapurna Mahila Swasahayak Dal. The loan was not paid within time. The petitioner took Rs.1,00,000/- from the project loan account sometime in 2010, Rs.7000/- from the S.B. Account on February 11, 2011 and Rs.50,000/- from C.C. Account on March 20, 2012. The report indicates that the petitioner had taken the maximum fund

available in the coffer of the self-help group for herself. The said self-help group faced certain difficulties due to such action of the petitioner. The members were in dark as the petitioner looked after the banking activities. The matter was intimated to the Block Development Officer. The petitioner was also found to be in custody of all important documents, unauthorizedly. Neglecting her duties as a Sangha Coordinator the petitioner started working as a database collector of Itamagra – II Gram Panchayat and received regular payment for such activities. Simultaneously, she received payment as a Sangha Coordinator upto October 7, 2021. Payment certificate has also been annexed to the report.

Due to long absence of one member of Annapurna Self-Help Group, the various group related activities and bank related transactions were hampered. Therefore, in order to resolve the issue the petitioner was allegedly requested to attend meetings of the self-help group but she did not attend any meeting after December 15, 2012. Under such situation one Priyanka Bera (Das) was taken in as a member of the Annapurna Self-Help Group. The petitioner was asked to attend the meeting with all records, ledger books and keys of almirahs etc. for smooth functioning of the group. After repeated intimation, the petitioner did not submit the same

and the internal audit of the sangha could not be held on time.

The petitioner was informed by the sangha on various occasions about cancellation of her membership and elimination from the group. A team of government authorities led by the Women Development Officer conducted a physical verification. It was found that the loan amounts were not paid within the stipulated time.

The allegations of the petitioner are solely against the administrative decision of the self-help group. The State authorities are not responsible for the administration and management of the group. Monitoring the activities of the self-help groups which are engaged in government projects rests with the Mission Director or the Project Coordinator. The internal issues and conflicts amongst the members are outside the purview of the functions and jurisdiction of the State respondents. The respondents have already enquired into the matter but they cannot interfere.

The specific comment of the Block Development Officer is that the petitioner's engagement in the Itamagra – II Gram Panchayat as a database collector was contrary to the interest of the group.

No useful purpose will be served in keeping the writ petition pending as the petitioner could not satisfy the court that any of her fundamental rights or legal rights had been violated by the state respondents. An internal dispute between the members of a self-help group cannot be resolved by the writ court nor by the State respondents who were not responsible for formation of the group. On the basis of the petitioner's complaint the Block Development Officer had made an enquiry and come to certain factual findings which are not in dispute. However, neither the Block Development Officer nor the Project Director can force the other members of the group to allow the petitioner to continue.

That the report of the Block Development Officer which has been filed in court today is in the form of an instruction and its consideration is limited to the disposal of the writ petition. The contents thereof, shall not be relevant in any proceeding that the petitioner may initiate against the members of the self-help group before any other forum.

If the petitioner approaches the civil court or any other forum, the issues shall be decided independently.

This order shall also not prejudice the petitioner's engagement as a data entry collector, unless such engagement was by virtue of her

membership of a SHG or as the Sampadika of the SHG.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)