

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 9501 of 2024

**B. Hariprasad & Anr.
-versus
Co-operative Election Commission & Ors.**

**Mr. P.C. Bhattacharya.
Mr. Chandan Kumar Lal.
Mr. Sovan Nayak.
...For the Petitioners.**

**Mr. P.K. Roy,
Mr. Biplob Das.
...For the Registrar.**

**Mr. Srijan Nayak,
Mr. Asis Dutta.
...For the Election Commission.**

The office bearers of the Cooperative Society cannot be elected because of non-attendance of five of the Directors of the Cooperative Society out of twelve of them.

The Assistant Returning Officer already issued notice for election of the office bearers but for reasons best known, five of the directors on two repeated occasions failed to participate in the meeting for electing the office bearers.

The Directors who are not appearing and not participating in the meeting for holding the election of the office bearers are not parties in the instant writ petition. The Court is not aware of the reason as to why the said Directors are not participating in the meeting in question.

Learned advocate representing the Election Commission submits that as the coram in accordance with Rule 50 of the West Bengal Cooperative Societies Rules, 2011 is not being attained, accordingly, the meeting cannot be held.

On a perusal of Rule 50, it appears that the same relates to the coram of the meeting of the Board. In the instant case the Board is yet to be constituted. It is only the twelve Directors who have been elected but the office bearers of the Board are yet to be elected.

There is a provision for disqualification of the Directors if they do not participate in the meeting on six consecutive occasions. On two occasions the Directors have failed to participate.

The Election Commission is directed to give further notice for holding of meeting for election of the office bearers of the Board. If the Directors do not appear in six consecutive meetings, then the Directors shall cease to hold office in accordance with Rule 44 of the WB Cooperative Societies Rules, 2011.

The Cooperative Election Commission shall take necessary steps in accordance with the aforesaid provision.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)