

**CALCUTTA HIGH COURT IN THE CIRCUIT BENCH
AT JALPAIGURI**

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19.02.2024
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WPA 203 of 2024

**Shri Diwas Chettri
Vs.
The State of West Bengal & Ors.**

**Mr. Pritam Roy
...for the petitioner**

**Ms. Bedashruti Bose
Mr. Pradip Sarkar
...for the State**

The writ petition is directed against an order of termination dated 16th October, 2023 passed by the President of Darjeeling Enfielders Welfare Association. According to the petitioner by order of termination dated 16th October, 2023 petitioner's membership of the aforesaid association has been terminated which makes the petitioner authorized to approach the writ Court questioning the order of termination under Article 226 of the Constitution of India. According to the petitioner his fundamental right has been breached. Therefore, the present writ petition is maintainable.

Having considered the grievance made in this writ petition this Court has posed query to the learned advocate representing the petitioner whether Darjeeling Enfielders Welfare Association is an authority under Article 12 of the Constitution of

India or any authority under Article 226 of the Constitution of India or not.

However, this Court does not receive any satisfactory reply. Nothing has been spelt out in this writ petition wherefrom it can be inferred that Darjeeling Enfielders Welfare Association is a State within the meaning of Article 12 of the Constitution of India or any person or authority under Article 226 of the Constitution of India. It is also not demonstrated before this Court that there is pervasive control over this association by any state organization or statutory authority.

In view of aforesaid scenario the grievance against the aforesaid association which is confined to the order of termination dated 16th October, 2023 cannot be entertained on presentation of this writ petition.

Accordingly, the writ petition stands dismissed being not maintainable.

However, this order shall not preclude the petitioner to take steps in accordance with law against the order of termination dated 16th October, 2023, if so advised.

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

(Saugata Bhattacharyya, J.)