

24.06.2025
sayandeep
Sl. No. 154
Ct. No. 05

WPA 13359 of 2025

Shantibahar Sekh
Vs.
The State of west Bengal & ors.
With

WPA 13362 of 2025

Rumki Swarnakar
Vs.
The State of West Bengal & ors.

Mr. Dhiman Kumar Sengupta
Ms. Farhin Mustaque

.... for the petitioner in
WPA 13359 of 2025,
WPA 13362 of 2025

Mr. Pradeep Kr. Roy
Mr. Ankit Sureka
Mr. Biplab Das

....for the respondent Nos. 2 & 3
in WPA 13359 of 2025,
WPA 13362 of 2025

1. The affidavit-of-service filed in Court today be kept on record.
2. Despite service, apart from the respondent Nos., 2 and 3 who is represented by Mr. Roy, learned senior advocate no other respondents have appeared.
3. The petitioner's complains of retrenchment of the petitioner consequent upon the resolution adopted in the meeting of 7th April, 2025 which records that after Mirabazar branch of the respondent no.4 is closed, the employees attached to the said branch shall stand retrenched. The above action has been taken by the cooperative society without involving any statutory body. Though, *prima facie*, the above appears to be a private decision taken by a private body, however, Mr. Sengupta

by relying on Rule 106 of the co-operative societies Rules, 2011 would submit that the service of the petitioner is governed by the statutory Rules, the writ petition should be entertained.

4. Mr. Roy, learned senior advocate representing the respondent Nos. 2 and 3 by drawing attention of this Court to Section 134B of the West Bengal Co-operative Societies Act, 2006 (hereinafter referred to as the “said Act”), would submit that petitioner is a Cooperative Credit Structure Entity and having regard to the provisions contained in Section 134(c)(2) of the said Act such entity has autonomy including in its personal policy, staffing, recruitment, posting and compensation to staff. In the light of the above according to Mr. Roy, the provisions of Rule 106 may not apply to the petitioner.
5. Having heard the learned advocates appearing for the respective parties, since the parties would admit that the petitioner was engaged in providing cooperative credit and considering the provisions of Section 134C(2)(d) of the said Act, I am of the view that Rule 106 of the said Rules, which concern matters pertaining to personal policy, staffing, recruitment, posting and compensation of staff, do not apply to such cooperative society as the petitioner has autonomy. This dispute, thus, appears to be purely private as such this Court is not inclined to entertain the writ petition.

6. Although, Mr. Sengupta would contend that the remedy before the civil Court is barred, having regard to the provisions of Section 102(4) of the said Act. I, however, find that although certain disputes have been enumerated in Section 102(1) of the said Act, which can be filed before the Registrar, the restriction provided in Section 102 (4) of the said Act is limited only in respect of such disputes which are covered under Section 102(1). The said bar in my view does not cover the disputes which are not covered by Section 102(1) of the said Act.
7. The apprehension of Mr. Sengupta is thus, unfounded, accordingly, both the writ petitions are dismissed without any order as to costs.

(Raja Basu Chowdhury, J.)