

16.09.2025
sayandeep
Sl. No. 06
Ct. No. 05

WPA 18354 of 2025

Ashalata Das & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Anjan Bhattacharya
Ms. Anita Shaw
Ms. Seema Thakur

..... for the petitioners

Mr. Supratim Dhar
Ms. Rajlakshmi Ghatak

....for the State

Mr. Ankit Sureka
Mr. Partha Sarathi Pal
Mr. Asis Dutta

....for the respondent Nos. 2, 3 & 4

Mr. Deepnath Roy Chowdhury
Mr. Nijay Verma

..... for the respondent No. 7

1. The primary grievance of the petitioners is that the order dated 6th September, 2024 which seeks to remove the petitioners from the Board of the respondent no.7 does not have the sanction of law. According to Mr. Bhattacharya, learned advocate representing the petitioners, despite there being no provision in the statute book authorizing the removal, the aforesaid order has been passed.
2. Having heard the learned advocates appearing for the respective parties, I find that the respondent No. 7 was registered under the provisions of West Bengal Co-operative Societies Act 2006 (hereinafter referred to as the “said Act”) on 28th June, 2019. Later, an inspection was conducted by the Assistant Registrar of Co-operative Societies on 4th April, 2024 and 5th April, 2024 and several irregularities had been detected which were all noted in the inspection report.

Subsequently, the president of the Cooperative Society was directed to submit a compliance report on the irregularities mentioned in the review inspection report dated 7th June, 2024. Unfortunately, the same was not submitted in time. In the hearing held on 24th July, 2024 the other directors accused the President and Secretary of society of not convening Board meeting. On 7th August, 2024 in course of hearing although, the President and Secretary submitted a written compliance, the same was not supported by any Board resolution. As such further opportunity was afforded to the President and Secretary to submit a clarification on the irregularities along with supporting regulation. The response was also not supported by any Board resolution. Since, it transpired to the Assistant Registrar of Co-operative Societies that the President and Secretary of the respondent No. 7 did not call any Board meeting for any purpose and all activities were done by keeping other directors in the dark and several meetings were held without quorum and violating Rule 50 of the WBCS Rules, 2011, the Assistant Registrar of Cooperative Societies by noting that the petitioners were running the society for their personal interest by violating the provisions of the said Act and Rules framed thereunder had in pursuance to the proviso to Rule 41(3) of the said Rules removed the petitioners from the Board of Directors of the respondent No. 7. This has been challenged in this petition. The writ petition has been filed on 8th August, 2025 that is nearly a year after removal had been effected. There appears no explanation for the delay. Although, the petitioners would submit that there is no provision in the statute book which would authorize removal of the petitioners, I find that there

appears to be a typographical error in the order which is impugned wherein Section 41(3) of the said Act has been wrongly quoted in place of Rule 41(3) of the said Rules. The petitioners are not elected Board members. Ample opportunity of hearing was given. They have been removed as their continuance in office is not desirable in the interest of the society. I do not find any irregularity in the above formation of opinion and the consequent removal of the petitioners.

3. Accordingly, the writ petition is dismissed without any order as to costs.

(Raja Basu Chowdhury, J.)