

24.09.2025.
Court No.13
Item No. 23
ap

F.M.A. No. 1420 of 2025
With
I.A. No. CAN 1 of 2025

Shantibahar Sekh
Versus
The State of West Bengal & Ors.

Mr. Dhiman Kumar Sengupta.
...For the appellant.

Mr. Ankit Sureka,
Mr. Biplob Das,
Mr. Asis Dutta.
...For the respondent nos.2, 3 & 8.

1. Affidavit-of-service filed in Court today be taken on record.
2. The instant intra court appeal is directed against the judgment and order dated 24th June, 2025 passed by a learned Single Judge of this Court in W.P.A. 13359 of 2025.
3. The grievance of the appellant is that he was appointed by the Highest Paid Employee (in short 'HPE') in the absence of the regular elected Board. Along with him, eleven other persons were also employed by the Society. However, in view of closure of Mirabazar Branch of the Samabay Krishi Unnayan Smrity, the appellant's service was terminated.
4. Learned Counsel for the Registrar of Co-operative Society submits that apart from the fact that the Highest Paid Employee did not have the Authority to appoint any person, on a permanent basis in the Society, there are allegations of grave misconduct

against him. He further submits that the Highest Paid Employee committed various acts of misconduct and is alleged to have purchased properties in his own name out of the funds of the Society.

5. This Court directs the Nadia Range of Assistant Registrar of Co-operative Societies being the respondent no.3 to conduct appropriate enquiry into the conduct of the concerned Highest Paid Employee and take all steps in accordance with law.

6. Having regard to the facts of the case, this Court notes that there was no procedure followed in engaging the appellant i.e. declaration of vacancies, notice inviting application, specification of criteria for employment, interview, written test etc. The appellant, therefore, cannot claim to be a regularly appointed employee in the Society.

7. The arguments advanced by Mr. Dhiman Kumar Sengupta, learned Counsel appearing on behalf of the appellant that the other eleven employees engaged by the HPE have been retained by SKUS, amounts to claiming negative equality.

8. In the backdrop of the above, this Court cannot find any fault with the termination of the appellant's service. The engagement of the appellant at the instance of the Highest Paid Employee of the Society is ex facie illegal and the same has been dealt with by the regularly elected Board in accordance with law.

9. The writ petition even otherwise not maintainable.

10. In that view of the matter, this Court cannot find fault with the impugned order dated 24th June, 2025 passed by a learned Single Judge of this Court. F.M.A. 1420 of 2025 shall stand dismissed.

11. In view of dismissal of the appeal itself, the connected application being CAN 1 of 2025 shall also stand dismissed.

12. There will be no order as to costs.

13. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)