

16.09.2025
sayandeep
Sl. No. 08
Ct. No. 05

WPA 19152 of 2025

Mriganka Sen
Vs.
The State of West Bengal & ors.

Mr. Pabitra Charan Bhattacharjee
Mr. Sovan Nayak
..... for the petitioner
Mr. Nilotpal Chatterjee
Mr. Saptak Sanyal
..... for the State

Mr. Ankit Sureka
Mr. Biplab Das
Mr. Partha Sarathi Pal
.....for the respondent Nos. 2-3
Mr. D. Banerjee
Mr. S. Chowdhury
Mr. S. Das
Mr. P. Hazra

.....for the respondent Nos. 4-6

1. Learned advocate for the parties would admit that the respondent No. 4 is a cooperative credit structure entity within the meaning of Section 134B(a) of the West Bengal Cooperative Societies Act, 2006 (hereinafter referred to as the said Act). Having regard to the provisions contained in Section 134C (2) (d), the cooperative credit structure entity shall have autonomy in its financial and internal administrative matters including the personal policy, staff recruitment posting and compensation of the staff. In the instant case, Mr. Bhattacharya, learned advocate representing the petitioner has placed before this Court the communication dated 7th July, 2025 to drive home the point that the cooperative credit structure entity has in the instant case while exercising the power of autonomy, has in fact accepted appendix to

Chapter V of the Cooperative Societies Rules, 2011 and proceeding on such premise has issued the order of removal.

2. Having heard the learned advocates appearing for the respective parties and noting that the order of removal has not been issued in accordance with paragraph 14 of appendix to Chapter V of Rule 106 of the West Bengal Cooperative Societies Rules 2011, as also in violation of the basic principles of natural justice, without any charge-sheet or enquiry being conducted, further in the instant case, though the cooperative society is otherwise entitled to decide on having autonomy and take a decision on the matters provided for in under sub Section 2 of Section 134C and since the decision to terminate/remove the petitioner has been taken by relying on the provisions of appendix to Chapter V to the said Rules, the cooperative society ought to have issued a show-cause. The same has not been done. No opportunity of hearing was given to the petitioner. The principles of natural justice has also not been followed. This apart, learned advocate representing the respondent Nos. 4, 5 and 6 would submit that at this stage the aforesaid respondents have decided not to support the above order.
3. Having heard learned advocates appearing for the respective parties, I set aside the order dated 7th July, 2025. Let the petitioner be reinstated in service. The respondents shall, however, be at liberty to proceed against the petitioner in accordance with law by keeping the petitioner under suspension. The periods from the date of dismissal of the petitioner till the date of reinstatement shall be considered as an extraordinary leave without pay and without any break in service.

4. With the above observations and directions, the writ petition is disposed of.

(Raja Basu Chowdhury, J.)