

**WPA 21777 of 2024
CAN 1 of 2024**

**Biswajit Roy & Ors.
versus
The State of West Bengal & Ors.**

Mr. Rajkumar Sain
Mr. Sandipan Maity

...For the petitioners

Mr. Srijan Nayak
Mr. Ankit Sureka
Mr. Partha Sarathi pal

...For the respondent no. 2

Mr. M. Sasmal

...For the respondent no. 10

Mr. Partha Sarathi Bhattacharya, Sr. Adv
Mr. Raju Bhattacharya

...For the respondent nos.11 to 14

Mr. Ovik Sengupta
Ms. Soumita Shaw

...For the added respondent / society.

1. Having regard to the order dated 31st January 2025 issued by the Assistant Registrar of Cooperative Societies, Co-operation Directorate, Nadia Range, whereby an enquiry had been initiated pursuant to a complaint lodged by the Manager of the added respondent, this Court had directed Mr. Sureka, learned advocate appearing for the respondent no. 2 to take appropriate instruction in this matter.

2. Today, Mr. Sureka by placing before this Court Chapter XIII A of the West Bengal Cooperative Societies Act, 2006 (hereinafter referred to as the “said Act”) would submit that the provisions of the said Chapter has an overriding effect over the other provisions of the said Act and in terms of Sub-section 2(d) of Section 134C of the said Act, a Cooperative Credit Structure entity as defined in Section 134B of the said Act, amongst others has an autonomy in all financial and internal administrative matters including personnel policy, staff recruitment, posting and compensation to staff.

3. Having regard thereto and having heard the learned advocates appearing for the respective parties and noting

that the complaint of the petitioner is against a Cooperative Credit Structure entity which pertains to an alleged illegal appointment, I am of the view that there is no scope to entertain this writ petition.

4. The petitioner shall, however, be at liberty to enforce his rights, if any, in terms of Section 102 of the said Act subject to the provisions of Chapter XIII A of the said Act, by raising a dispute before the Registrar of Cooperative Societies, if so advised.

5. With the above observations and directions, the writ petition along with the connected application is accordingly disposed of.

6. All parties shall act on the basis of the server copy of this order duly downloaded from this Court's official website.

(Raja Basu Chowdhury, J.)