

Sl. No.09
17.01.2025
Suman
Ct. 15

WPA 24072 of 2024
With
CAN 1 of 2024

Ajai Sk. And Anr.
Vs.
The State of West Bengal and Ors.

Mr. Subrata Mukhopadhyay
..for the petitioner

Mr. Ankit Sureka
Mr. Biplab Das
Mr. Partha Sarathi Pal
..for respondent nos. 2, 6, 7 and 9.

Mr. Shamit Sanyal
..for respondent no.10

Mr. Soumyadeep Biswas
..for respondent nos. 7 and 8.

In this writ petition, the petitioners have challenged an order dated September 13, 2024, passed by the Assistant Registrar of Co-operative Societies, Cooperation Directorate, Nadia Range Office, whereby their membership was terminated under Rule 44(1)(e) of the West Bengal Co-operative Societies Rules, 2011. The termination was based on the allegation that the petitioners were members of another Central Co-operative Society at the time of submitting their nominations to contest the election for the position of a

Board member of the Nadia District Central Co-operative Bank.

In my view, Section 32(8) of the West Bengal Co-operative Societies Act prohibits an individual from holding office as a Director on the Board of more than four primary Co-operative Societies, two Central Co-operative Societies, and two Apex Co-operative Societies concurrently.

However, before reaching the conclusion that the petitioners were holding directorships in two central Co-operative Societies, the respondent should have provided the petitioners with an opportunity to deal with the allegations in the enquiry report upon which the impugned order is based.

It is undisputed that the petitioners were not served with a show cause notice, nor were they given an opportunity to be heard. Moreover, the enquiry report, upon which the impugned order was passed, was not made available to them.

I am of the opinion that the cessation of membership under Rule 44(1)(e) necessitates adherence to the principles of natural justice, particularly when the termination is based on factual allegations as involved in this matter.

In light of this, the order dated September 13, 2024, is hereby set aside. The petitioners are

reinstated to their positions as Board members immediately.

This decision, however, does not preclude the respondents from initiating fresh proceedings in accordance with the law, as outlined in this order.

Accordingly, **WPA 24072 of 2024** along with **CAN 1 of 2024** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)