

09.12.2025
TUESDAY

Court : MB-24
Item : AD-04
Status : DO
ID : 266312
AR : NANDY

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 26883 OF 2025

MINATI SEN
VS.
THE STATE OF WEST BENGAL & ORS.

Mr. Victor Chatterjee, Advocate

Mr. Pramitava Nath, Advocate

Ms. Shreya Bhattacharya, Advocate

.....for the Petitioner

Mr. Biswarup Biswas, Advocate

.....for the State

Mr. Amitava Ghosh, Advocate

.....for the Respondent Nos. 2 to 5

Mr. Ankit Sureka, Advocate

Mr. Biplab Das, Advocate

Mr. Partha Sarathi Pal, Advocate

.....for the added Respondent

(Dy. Registrar, Cooperative Society, Hooghly Range)

1. Affidavit of service, as filed, be kept with the record.
2. The petitioner's age is challenged by the concerned authorities. The petitioner contends that her year of birth is sometime in 1971, while the authorities have held that she is born sometime in 1966 and is thus liable to retire on 31.12.2025.
3. The petitioner apprehends that she will be forced to retire on 31.12.2025, even though, according to her, she is entitled to a further period of five years, in service.
4. Mr. Ghosh, learned Advocate appearing for the respondent nos. 2 to 5, has produced certain documents, which were relied upon by the petitioner, while entering into the employment of the respondent no. 2. He further submits that in terms of these documents, it is clear that the petitioner's date of birth is 01.01.1966 and hence

the petitioner is liable to retire on 31.12.2025. Copies of such documents are taken on record.

5. The petitioner has, however, denied execution of any of these afore-stated documents and indeed contends that the petitioner has never been to any School and the certificates disclosed by the respondent nos. 2 to 5, are nothing but procured documents, which ought not be relied upon.
6. Mr. Biswas, learned Advocate appears for the respondent no. 1, and submits that in view of an alternative and efficacious remedy being available to her, the petitioner ought not to press the writ-petition and indeed the same should not be entertained by this Hon'ble Court.
7. Mr. Sureka, learned Advocate, who usually appears for the Registrar, Cooperative Societies is present in Court and is requested to take up the matter on behalf of the Deputy Registrar, Cooperative Society, Hooghly Range, who is added as party-respondent to the proceedings.
8. Let the appointment of Mr. Sureka, learned Advocate, along with his associates be regularized on behalf of the afore-stated added respondent.
9. Since the intimation by the respondents to the petitioner of her date of birth was made sometime on 07.10.2025, the petitioner ought to have proceeded under Section 102 of the West Bengal Cooperative Societies Act, 2006.
10. In view thereof, the petitioner is at liberty to proceed under the afore-stated provision of the said Act and the concerned authority will dispose of the matter at the earliest, preferably prior to 31.12.2025, which, if not possible, the authority concerned will adequately protect the interest of

the petitioner at the *ad interim* and *interim* stage. The employment of the petitioner, however, will be subject to the final order that may be passed by the authority under Section 102 of the said Act.

11. With these afore-stated directions, **WPA 26883 of 2025 is disposed of.** No order as to costs.

(REETOBROTO KUMAR MITRA, J.)