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WPA 27481 of 2025

Sri Biswajit Chowdhury
Vs.
State of West Bengal & Ors.

Mr. Md. Baharuzzaman
.... for the petitioner

Mr. Srijan Nayak
Mr. Indrajit Ghosh
..... for the State

Mr. Ankit Sureka
Mr. Partha Sarathi Pal
..... for the respondents no. 3 & 4

Mr. Deepnath Roy Chowdhury
Mr. Vijay Verma
..... for the respondents no. 6 & 7

Mr. Ovik Sengupta
Mr. Mithun Das
..... for the respondents no. 10

1. Let affidavit-of-service, as filed in Court, be kept on record.
2. The petitioner is aggrieved by the reappointment of the respondent no. 10, as an employee of the respondent no. 6.
3. Mr. Baharuzzaman, learned Advocate appearing for the petitioner, submits that the respondent no. 10 had been discharged from service on the ground that he had obtained employment on the basis of a forged graduation certificate, which was corroborated by the University as well.

4. However, after discharge from service, the respondent no. 6, without any cogent reason, has reemployed the respondent no. 10.
5. The petitioner's mother is a defaulting borrower of a loan taken from the respondent no. 6. Hence, the locus of the petitioner is suspect.
6. The petitioner has, however, referred to an order passed on October 17, 2025, by the respondent no. 4, directing an enquiry to be made by the Departmental Officer of the Cooperation Directorate, Nadia Range, and to file a report thereto within a period of ten days.
7. He further submits that such report has not been filed till date.
8. Mr. Sureka, learned Advocate appearing for the respondents no. 3 and 4, submits that in the event the enquiry has not been completed, the same shall be completed by December 24, 2025 and the said respondents will intimate the result of the enquiry to the petitioner.
9. Mr. Roy Chowdhury, learned Advocate appearing for the respondents no. 6 and 7 and Mr. Sengupta, learned Advocate appearing for the respondent no. 10, both raise the issue of maintainability, in the event the disputes raised by the petitioner were to be adjudicated by this Court.

10. Since the report has not yet been filed by the concerned authority in terms of the order dated October 17, 2025, let such report be filed by December 24, 2025. The respondents no. 3 and 4 will intimate the result of the enquiry to the petitioner. However, in view of an alternative and efficacious remedy being available to the petitioner under Section 102 of the West Bengal Cooperative Societies Act, 2006, I am not inclined to adjudicate such disputes.
11. The aforestated order is in view of the inaction on the part of the respondent no. 4, as an Executive Authority discharging functions, which fall squarely under the domain of “public duty”.
12. With the aforestated directions, the writ petition is disposed of.
13. There shall, however, be no order as to costs.
14. Since no affidavit has been called for, the allegations contained in the writ petition are deemed to be denied.
15. Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)