

**11.12.2025.
05
Ct.No.24.
as**

WPA 28361 of 2025

**Namita Shyamal
Vs.
The State of West Bengal & Ors.**

Mr. Rajendra Banerjee,
Mr. Dip Jyati Chakraborty,
Mr. Souvik Gaguly.
...for the Petitioner.

Mr. Srijan Nayak,
Ms. Rituparna Maitra.
...for the Respondent Nos.2, 5 & 6.

Mr. Ankit Sureka,
Mr. Biplob Das.
...for the Respondent No.3.

1. Affidavit of service as filed, be kept on record.
2. The petitioner's principal grievance as submitted by Mr. Chakraborty is manifold, as summarized hereunder;
 - a) The petitioner was not apprised of the election to be held in his constituency Gaita Kishmat, which was to elect four candidates in as many vacancies for the post of delegates;
 - b) The petitioner alleges that no such election for the post of four delegates have ever taken place;
 - c) The petitioner also alleges that the petitioner was not permitted to participate in such election of delegates.
 - d) The draft voter list or the final voter's list had never been published did not form part of the election schedule published.

3. The petitioner presently is aggrieved by the election schedule published on October 17, 2025 of the Budarui Samabai Krishi Unnyan Samiti Limited (hereinafter referred to as the said Society).

4. The grounds of challenge of this notice are principally that the highest designated authority of the society has proceeded to issue a notice for the special general meeting of even date i.e. October 17, 2025, which is without any authority, as the same ought to have been done by the Election Commission, as stipulated under Section 32 of the West Bengal Co-operative Societies Act, 2006 (hereinafter referred to as the said Act).

5. Mr. Chakraborty has placed reliance on a decision of a Co-ordinate Bench of this Hon'ble Court reported in ***Barun Das & Anr. Vs. The State of West Bengal & Ors., reported in 2017 SCC OnLine Cal 6625.***

6. Mr. Nayak and Mr. Sureka appear for the respondents and makes the following submission:

i) The locus of the petitioner is suspect, since he is not an elected delegate of Gaitakishmat Co-operative Society, and therefore, not entitled to participate in the electoral process of the Society, which is restricted for the 55 delegates of the various Constituencies, who will assemble and exercise of their rights to elect nine members to the Board of Society;

ii) The provision of the said Act of 2006 as contained in Sections 29 and 31 of the said Act,

clearly stipulates that an annual general meeting or a special general meeting are to be convened and conducted by the Secretary or any other Officer authorized by the Board in accordance with the direction of the Board. This is further amplified in Section 31 of the said Act, which relates to a special general meeting.

7. I have considered the submissions made by the parties and the decision relied by them. I have also gone through the records of the present case.

8. The petitioner, admittedly, is not a delegate as he has not participated in the electoral process for the election of delegates. There were four vacancies in so far as the posts of delegates are concerned of Gaita Kishmat and there were four nominations in respect thereof. These four nominations have been duly elected by virtue of the vacancies being at par. The petitioner, admittedly, has not participated in the election of the delegates. The election process of Gaita Kishmat has never been challenged or questioned prior to the present petition. Thus, any challenge or grievance of the petitioner to the electoral process of the delegates, which has been concluded sometime in August, 2025, is not only belated but is completely without any basis or cogent reason whatsoever.

9. The petitioner has not, prior to the instant petition, filed in December, 2025, challenged the election or the electoral process of delegates.

10. Clearly, the petitioner has chosen to approach this Hon'ble Court at a rather belated stage.

11. The second limb of the petitioner's challenge, of the electoral process of the said society, is marked by the fact that the petitioner not being a delegate, is not a person interested and thereby cannot be a person aggrieved by the election schedule published on October 17, 2025.

12. The elected delegates of Gaitakishmat Co-operative Society, are not before this Court to challenge such election schedule as published on October 17, 2025.

13. The petitioner's grievance is that the election schedule has been published by the highest designated employee, the respondent No.7 herein, is unsubstantiated, as the schedule appears to be issued and published by the Assistant Returning Officer of the said Society, as will appear from page 22 of the petition.

14. The petitioner's grievance is that the highest designated employee of the Society was not authorized or incompetent to convene a special general meeting by virtue of the notice of October 17, 2025, is unsubstantiated. There is no assertion by the petitioner that the Respondent No. 7 was not authorized in terms of Section 29 of the said Act.

15. The special general meeting was called for a limited purpose to enable the newly elected delegates to cast their valuable votes to elect the members to the Board of the Society.

16. The date of election has been fixed on December 12, 2025, that is tomorrow. The petitioner's attempt to stall the

electoral process cannot be entertained in any manner whatsoever.

17. The decision relied upon by Mr. Chakraborty, reported in ***Barun Das & Anr.*** (Supra), by a Co-ordinate Bench of this Hon'ble Court was made on the basis of the concerned Assistant Returning Officer's admission that there was a failure to complete the scrutiny and that such list of members, as forwarded by the Board had some ambiguities and illegalities. The said decision has no application in the facts of the case, as the petitioner was unable to show any ambiguity or illegality.

18. The electoral process of the Society has already commenced and has progressed in due compliance of the provision of the Act of 2006, as well as the West Bengal Co-operative Societies Rules, 2011.

19. The Hon'ble Supreme Court has repeatedly held that Courts should be circumspect to indulge any sort of attempt by a party to stall the progress of any electoral process and cause a subterfuge of such process, unless a glaring illegality has been established.

20. I do not find any reason to stall the process. The petitioner is not entitled to challenge the electoral process of the Society, not being a elected delegate and the petitioner has failed to substantiate his allegations that the electoral process has not been held in due compliance of the provision of the said Act and Rules.

21. I find no reason to entertain the present writ petition or cause any interference to the electoral process.

22. In view of the aforestated, the writ petition is dismissed.

23. There shall be no order as to costs.

24. Since affidavits have not been called for, allegations contained in the petition are deemed to have been denied.

25. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)