

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
APPELLATE SIDE

WPA 685 of 2026

Birampur Samabay Krishi Unnayan Samity
Vs.
The State of West Bengal & Ors.

Mr. Kamal Krishna Pathak, Adv.,
Mr. Narayan Nayak, Adv.,
Mr. Kaustav Seal, Adv.,
Mr. Saikat Koley, Adv.,
Mr. Souvik Maji, Adv.

... For the Petitioner.

Mr. Lalit Mohan Mahata, learned AGP,
Mr. Rudranil De, Adv.

... For the State.

Mr. Srijan Nayak, Adv.,
Mr. Biplob Das, Adv.

... For the Respondent Nos.3 & 4.

Mr. Kamal Mishra, Adv.

... For the Respondent No.6.

1. Affidavit-of-Service filed in Court today is taken on record. None appears to represent the eighth respondent.

2. The eighth respondent who is an Assistant Teacher of a primary school took a loan from the petitioner Samabay Krishi Unnayan Samity of Rs.5,50,000/- to be repaid in 120 instalments at the rate of interest of 11% per annum. The petitioner alleges that the eighth respondent has defaulted in repaying the instalments and a sum of Rs.4,56,777/- on account of principal and interest till 3rd August, 2023 is lying due and recoverable from the eighth respondent.

3. The learned advocate, appearing for the petitioner, submits that the eighth respondent, who is the member of the petitioner society, executed an agreement in favour of the petitioner society in terms of the provisions laid down under sub-section (1) of Section 59 of the West Bengal Cooperative Societies Act, 2006. He submits that though the petitioner society approached the Sub Inspector of Schools, Digha Circle, who is the Drawing and Disbursing Officer (DDO), praying for recovery of the outstanding loan amount by way of deduction in terms of the provisions laid down under Section 59(2) of the 2006 Act, but no steps have been taken by such respondent authorities to recover the said amount from the salary and to pay the same to the petitioner society.

4. Mr. Mishra, learned advocate, appearing for the Chairman, District Primary School Council, Purba Medinipur, submits that the Sub Inspector of Schools being the fifth respondent is the Drawing and Disbursing Officer.

5. Learned advocate, appearing for the fifth respondent, submits that necessary steps shall be taken in terms of the provisions laid down under Section 59(2) of the 2006 Act.

6. It is not in dispute that the eighth respondent who is the member of the cooperative society executed an agreement in favour of the petitioner society providing that the DDO shall be competent to deduct from the salaries or wages and retiring gratuity or death gratuity payable to him by the employer or the DDO and to pay the amount to the cooperative society in satisfaction of any debt or other demand of the cooperative society against the member. Since an agreement in accordance with the provisions of sub-section (1) of Section 59 of the 2006 Act has been executed and a sum of money is lying due and recoverable from the eighth respondent, the Sub-Inspector of Schools, Digha Circle, being the fifth respondent and the DDO, is directed to take necessary

steps and make the deductions in accordance with the agreement and pay the amount to the petitioner society within fifteen days from the date of such deduction(s). The petitioner shall submit a copy of the agreement along with a calculation of the amount due to the petitioner society within two weeks from the date of receipt of a server copy of this order to the fifth respondent to enable the fifth respondent to comply with the directions passed by this Court and upon receipt of a copy of the agreement and the details of the calculation, the fifth respondent shall make deduction(s) in accordance with the agreement and pay the amount to the cooperative society within the time limit indicated hereinabove. The District Primary School Council, Purba Medinipur, is directed to render all necessary cooperation to the fourth respondent in this regard.

7. With the above observations and directions, the writ petition stands disposed of.
8. Parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.
9. Urgent photostat certified copies of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Hiranmay Bhattacharyya, J.)