

WPA 1210 of 2026

17.02.2026

Sl. 179
Court No. 19
BP

Kushmandi Block Secondary Schools' Teaching & Non-
Teaching Staff Co-operative Credit Society Limited
Vs.
The State of West Bengal & Ors.

Mr. Madan Mohan Roy

...for the petitioner

Mr. Chandi Charan De, Ld. AGP

Ms. Saswati Chatterjee

...for the State

Mr. Srijan Nayak

Mr. Partha Sarathi Pal

...for the respondent nos. 4 and 5

Mr. Gazi Faruque Hossain

Mr. Rakib Hossain Khan

..for the respondent nos. 8 and 9

Petitioner is a Co-operative Credit Society represented by its Secretary. 9th respondent who is presently functioning as Teacher-in-Charge of the 7th respondent Junior High Madrasa is a member of the petitioner society. A MT Loan of Rs. 7,00,000/- was sanctioned and disbursed to the 9th respondent. The 9th respondent agreed that in case of default, the outstanding amount shall be recovered in accordance with the provisions of the relevant statute.

The 9th respondent defaulted in payment of the equated monthly instalments and the petitioner Co-operative Credit Society issued a memo dated 6th January, 2026 indicating the total amount due on account of principal and interest up to January, 2026. The petitioner approached the District Inspector of Schools (SE), Dakshin Dinajpur, Balurghat by a letter dated 29th October, 2025 requesting the authorities to take appropriate steps for recovery of the amount due from the 9th respondent to the petitioner Co-operative Credit Society.

The learned advocate appearing for the petitioner submits that in spite of such representation the District Inspector of Schools has not taken any steps to deduct the outstanding amount from the salary of the 9th respondent.

The learned advocate appearing for the 9th respondent submits that the petitioner has not furnished the details of the calculation for which the petitioner is unable to ascertain the exact amount due from the 9th respondent to the petitioner Co-operative Credit Society.

Mr. De, learned Additional Government Pleader appears for the State. He submits that necessary steps shall be taken in accordance with law for deduction of the amount on account of the outstanding dues from the salary of the respondent no.9 and the amount shall be paid to the petitioner Society.

Heard Mr. Nayak, learned advocate for the Registrar of Co-operative Societies.

Heard the learned advocates for the respective parties and perused the materials placed.

It is not in dispute that the 9th respondent took a loan from the petitioner Credit Society and it is also not in dispute that the petitioner failed to pay equated monthly instalment after November, 2019. Though the 9th respondent has disputed the outstanding amount claimed by the petitioner Society in the memo dated 6th January, 2026 but the learned advocate for the 9th respondent, in his usual fairness, submits that some amount is lying due and payable by the 9th respondent to the petitioner Society.

Section 59(2) of the West Bengal Co-operative Societies Act, 2006 states that upon an execution of an agreement as referred to in Section 59(1), the employer or the drawing and disbursing officer shall on the requisition of the Co-operative Society in writing and for so long as the Co-operative Society does not intimate that the debt or other demands of the Credit Society has been fully paid, make the deduction in accordance with the agreement and pay the amount to the Co-operative Society within fifteen days from the date of such deduction as if it were part of the wages payable by him under the Payment of Wages Act on the date on which he makes the payment.

It is not in dispute that the 9th respondent has executed an agreement with the Co-operative Credit Society in terms of Section 59(1) of the 2006 Act.

Thus the Drawing and Disbursing Officer is under a statutory obligation to deduct the amount in accordance with the agreement and to pay the amount to the Co-operative Society upon an requisition made by the Co-operative Society.

The Co-operative Society has already made a requisition to the District Inspector of Schools in that regard.

This Court is of the considered view that the District Inspector of Schools (S.E.), Dakshin Dinajpur being the respondent no.6, who is the Drawing and Disbursing Officer of the Junior High Madrasah should be directed to make deduction in accordance with the agreement and pay the amount to the Co-operative Society.

At this stage the learned advocate appearing for the 9th respondent submits that the petitioner Society be directed to furnish the details of the calculation and liberty be given to the 9th respondent to make a comprehensive representation to the Co-operative Society.

WPA 1210 of 2026 stands disposed of by giving liberty to the 9th respondent to make a comprehensive representation and the Co-operative Society is directed to furnish the details of the calculation of the outstanding amount within a week from the date of receipt of a server copy of this order. If any representation is submitted by the petitioner, the co-operative society shall consider and dispose of the same by passing a reasoned order as expeditiously as possible. The District Inspector of Schools (Secondary Education) being the 6th respondent is directed to make the deduction(s) in terms of the agreement and pay the said amount to the petitioner Co-operative Credit Society within fifteen days from the date of deduction.

There shall be however no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)