

23.02.2026
Court No.13
Item No.14
pk

MAT 1136 of 2025
CAN 1 2025

The Shibpur Cooperative Bank Limited
Vs.
Provash Paul and others

Mr. Atindranath Misra,
Mr. Tamal Mondal

...for the appellant.

Mr. Ankit Sureka,
Mr. Biplob Das

... for the respondent nos. 3 to 7.

1. The defect pointed out by the Registry of this Court is not material to the disposal of the appeal. The original respondent nos. 8 and 9 were office bearers of the appellant, which now has regular elected board of directors.
2. The appeal is directed against order dated 10th June, 2025. It appears that the writ petition was disposed of in the absence of the writ petitioner or his advocate.
3. By the impugned order the Single Bench has directed the bank/appellant to give preference to the respondent/writ petitioner, in the event there is new recruitment in the post in which the writ petitioner worked.
4. It appears in the records that the writ petitioner/respondent was on contractual appointment in the Group D post in the bank as a recovery agent. The appointment was for a period of two years and stood automatically terminated in 2021. The writ petitioner/respondent is about 58 years of age.

5. The learned counsel for the appellant has placed Rule 106 of the West Bengal Cooperative Society Rule, 2011, particularly sub-clause 2 of Clause 4 there under. It is prescribed that the maximum age limit for Group D post is 35 years.
6. It is further submitted by counsel for the appellant that there is no sanctioned post for recovery agent in the appellant/bank as on date and hence the impugned order is also not sustainable in terms of sub-rule 7 of Rule 106 of the said Rule, 2011.
7. In that view of the matter, the order of the Single Bench is not sustainable in law. It appears that the Single Bench was not properly addressed and the aforesaid Rules have not been placed by any of the parties present before this Court.
8. For the reasons stated herein above, the impugned order dated 10th June, 2025 passed in WPA 20301 of 2024 shall stand set aside.
9. Accordingly, MAT 1136 of 2025 is allowed and disposed of. Consequently, connected pending application being CAN 1 of 2025 is also disposed of.
10. There will be no order as to costs.
11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Md. Shabbar Rashidi, J.)