

14.09.2018

WP 17328 (W) of 2018

Court No. 14
Item No. SL - 06
snandy

(ORDER PASSED)

Ramaprasad Dasgupta & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Utpal Majumdar , Advocate
Mr. Sagnik Majumdar, Advocate
.....for the Petitioner
Mr. Milan Chandra Bhattacharya, Sr. Advocate
Mr. Soumyadeep Biswas, Advocate
.....for the Respondent No. 6
Mr. Raja Saha, Advocate
Mr. Amit Kumar Ghosh, Advocate
.....for the State
Mr. Srijan Nayek, Advocate
Mr. Biplab Das, Advocate
Mr. Arindam Mitra, Advocate
.....for the Cooperative Election Commission

Mr. Raja Saha, learned Counsel appearing for the State, submits document in support of his contention that about 489 elected Boards which includes PACS, have sent their representatives out of which 40 representatives have come from nominated Boards and from 42 Societies being managed by highest paid employees.

Mr. Utpal Majumdar, learned Counsel, appearing for the petitioner, files a supplementary affidavit. He submits that since 8 of the 12 Directors, are to be elected out of the PACS and out of 235 PACS, according to him 116 PACS have sent delegates that are either from nominated Boards or under highest paid employees. He further submits that in essence these persons are those that are *de facto* nominees of ARCS.

The figures given by the writ-petitioner and that of the State are different substantially.

Be that as it may Mr. Majumdar's objection is that the person nominated to elect 8 PACS

representatives are representatives of the State and hence their election is a foregone conclusion. He, therefore, submits that the rest of the four Directors would be useless minority and the election is a farce.

Mr. Milan Bhattacharya, learned senior Counsel, reiterates his submission that the writ-petition itself is not maintainable and seeks to rely upon judgements in this regard.

Mr. Srijan Nayek, learned Advocate for the Co-operative Election Commission, submits that the Election Commission has already announced the election programme and schedule and the date of the election is September 16, 2018.

Since the writ-petition is not proposed to be disposed of at this stage, the following directions are passed without objections from any corner subject to the result of the writ-application:-

- i) The election to the Nadia District Coopeartive Bank shall be held as per the schedule and on the date announced by the Commission.
- i) The petitioner and any other persons shall be entitled to participate for election to the Board of Directors.
- i) Upon completion of the election process, the elected Board shall take over the management of the Bank.
- i) It is made clear that the election process shall be abide by the result of the writ-application.
- i) The election of office bearers, after the election to the Board, shall be undertaken by the Board expeditiously and the process and result shall be informed to the District Magistrate concerned.
- i) It is also made clear that any decision taken by the Board during the pendency of the writ-application

shall have the prior approval of the District Magistrate, Nadia.

Let this matter stand adjourned until **September 28, 2018** for further consideration.

(Rajasekhar Mantha, J.)