

07.09.2026
Court No. 12
Item No.08
Cp

MAT No. 1477 of 2026
With
CAN 1 of 2026
With
CAN 2 of 2026

Md. Rafiqul Islam
Vs.
Md. Mustafijur Rahaman & Ors.

Mr. Saptansu Basu, Sr. Advocate
Mr. Ramesh Dhara
.....for the appellant.

Mr. Pintu Karar
Mr. Sabab Uddin Laskar
....for the private respondent.

Mr. Nikunj Berlia,
.....for the State.

1. CAN 1 of 2026 is an application for leave to appeal from the order dated August 12, 2026, passed in WPA 6136 of 2025 with CAN 3 of 2026 and CAN 4 of 2026. CAN 3 of 2026 was an application for addition of the appellant in the writ proceeding and CAN 4 of 2026 was an application for disposal of the writ petition on the ground that the same had become infructuous, in view of the subsequent order of cancellation of the candidature of the writ petitioner.

2. Mr. Basu, learned senior advocate for the appellant, submits that although the application for addition of party was filed and Her Lordship had recorded the existence of a private respondent, but no formal order of addition was passed. The defect was required to be rectified and, as such, by way of abundant caution, the application for leave to appeal has been filed.
3. The order of Her Lordship mentions the appellant, although no formal order was recorded.
4. Under such circumstances, the application for leave to appeal is allowed. We are of the considered opinion that the appellant was a necessary party. Accordingly, CAN 1 of 2026 is disposed of.
5. Let the appeal be regularised.
6. MAT 1477 of 2026 is an appeal from an order dated August 12, 2026. We find that the learned Single Judge considered the writ petition without taking note of the subsequent events which were brought on record by the appellant, by filing an application in the proceeding. Her Lordship recorded that the writ petition was filed challenging the rejection of the candidature of the writ petitioner, on the basis of a Memo dated February 21, 2025, issued by the Sub-Inspector, Lalgola Police Station, Murshidabad. Her Lordship

proceeded on the basis that the candidature had not been cancelled. The appropriate authority cancelled the candidature of the writ petitioner by an order dated March 10, 2026. The cancellation of the candidature by the appropriate authority was challenged by the writ petitioner in WPA No. 6927 of 2026.

7. Under such circumstances, the challenge to the letter or communication of the police authorities becomes infructuous, in our prima facie view, and as such Her Lordship could not have directed further enquiry into the matter. The proper course of action would have been to either hear both the writ petitions together or dispose of the writ petition of 2025, keeping all points open and to be urged by the parties in WPA 6927 of 2026.
8. Under such circumstances, the order impugned is set aside.
9. The learned Single Judge will decide WPA 6927 of 2026. The appellant will be added as a respondent to the WPA 6927 of 2026 by the learned Single Judge, upon entertaining a formal application to be filed by the appellant.
10. We find it surprising that neither the State respondents nor the writ petitioner brought it to the notice of the learned court that the order of cancellation had already been passed. Under such

circumstances, WPA 6136 of 2025 and WPA 6927 of 2026 shall be heard analogously. The application filed by the appellant being CAN 4 of 2026 will be treated as an affidavit-in-opposition.

11. CAN 3 of 2026 filed in WPA 6136 of 2025 is allowed, and we formally add the appellant as a party respondent in WPA 6136 of 2025.
12. All points are kept open.
13. Accordingly, the appeal and the connected application being CAN 2 of 2026, are disposed of.
14. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)

(Arjun Ray Mukherjee, J.)