

18.03.2021

Item no. **07**

Dd/aloke

(Through Video Conference)

MAT 371 of 2021

with

CAN 1 of 2021

Dr. Joydev Lahiri

Vs.

The Chief Election

Commissioner of India & Ors.

Mr. Sidhartha Banerjee, adv.

Mr. Kaushik Chowdhury, adv.

Mr. Debasish Roy Chowdhury, adv.

Mr. P. K. Goswami, adv.

... ... For the Petitioner

Mr. Dipayan Choudhury, adv.

Mr. Suvradal Choudhury, adv.

Ms. Priyanka Chowdhury, adv.

... ...For the Election Commission of India

This appeal is by a person who moved the writ petition on the plea that having regard to his official status and pay-scale he ought not to have been tasked to be a Presiding Officer for the ensuing Assembly Election.

The learned single Judge has dismissed the writ petition saying that the matter cannot be decided on the basis of comparison of pay-scale or seniority etc.

In this appeal, the learned counsel for the appellant has, to some extent, persuaded us to look into the provisions which contained directives by the Election Commission of India that the pay-scale, seniority etc. would also be looked into while choosing officers to perform election duty in connection with any election under the Representation of the People Act, 1951.

Be that as it may, there is nothing on record for the petitioner to show us that the pay-scale or rank in his parent institution is such that he cannot be asked to work as a Presiding Officer under the control of the District Election Officer who obviously will be in the rank of the District Magistrate or similar rank which posts are ordinarily held by officers belonging to the Indian Administrative Service or equivalent categories.

For the aforesaid reasons, we do not find any ground to entertain this appeal and proceed further in this matter.

Resultantly, the appeal and the connected application are dismissed in limine.

[Thottathil B. Radhakrishnan, C.J]

[Aniruddha Roy, J.]