

Item-9 25-10-2021

WPA 14867 of 2014

Md. Mansur Ali
Versus
State of West Bengal & Ors.

BR &
sg

Ct. 7

(Through Video Conference)

Mr. Balai Lal Sahoo, Adv.
Mr. Jahangir Badsha, Adv.
...for the petitioner

Mr. Rudranil De, Adv.
Md. Nurzaman, Adv.
...for the respondent no.7

Mr. Ansar Mondal, Ld. AGP.
Mr. Sougata Mitra, Adv.
...for the State

Affidavit of service filed in Court today be kept with the record.

The case of the petitioner is that in all there are 21 wards in the Dhuliyani Municipality in the District of Murshidabad and the roster for reservation of women as well as SC, ST and women candidates is to be made as per Rule 3(2)(b) of the West Bengal Municipal Election (Reservation of Seats) Rule, 1994 and as per the Second Schedule of the said Rule, Ward Nos. 3, 6, 9, 12, 15, 18 and 21 are to be reserved for women candidates in the third term General Election. However, the appropriate authority in utter derogation from such Rule has passed order on 10th February, 2020 reserving the Ward Nos. 3, 7, 10, 13, 16 and 20 for women, which is not in consonance with the existing Rule.

The petitioner made a representation before the

appropriate authority for cancellation of the order dated 10th February, 2020 passed by the District Magistrate, Murshidabad, which has not yet been disposed of.

The learned Advocate for the State, in his usual fairness, submits that a direction be passed to the appropriate authority for disposing of the representation made by the petitioner.

The learned Advocate appearing for the respondent no. 7, being the Dhuliyān Municipality, concedes to the submission made by the petitioner that there has been derogation from the Rules.

It appears from the order No. 97/MA dated 10th February, 2020 passed by the District Magistrate, Murshidabad that the Constituency reserved for women in respect of Dhuliyān Municipality has been specified as Ward Nos. 3, 7, 10, 13, 16 and 20 respectively.

The learned Advocate for the petitioner in course of hearing drew the attention of the Court to Second Schedule which relates to roster for reservation of seats for women by rotation and upon perusal of the same in column no.4, it has been specifically indicated that Ward Nos. 3, 6, 9, 12, 15, 18 and 21 are to be reserved in the third term General Election/Bye-Election. Thus, primarily it is found that the order no. 97/MA dated 10th February, 2020 is not in consonance with the roster for reservation of seats for women by rotation. The petitioner made a representation before the appropriate authority on 11th August, 2021 asserting of such variance from the existence Rules. However, the said representation has not been disposed of as yet

by the appropriate authority, as submitted by the learned Advocate for the State.

In view of the above, the District Magistrate, Murshidabad is directed to dispose of the representation made by the petitioner dated 11th August, 2021 within a period of 15 days from the date of the communication of the order or prior to declaration of the Municipal election, whichever is earlier after hearing the parties.

In the light of the aforesaid observation, the writ application is, accordingly, disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Bivas Pattanayak, J.)