

16.12.2021.
Court No.13
Item No. 54
ap

**W.P.A. No. 20183 of 2021
(Through Video Conference)**

**Swapna Banerjee
Versus
The State of West Bengal & Ors.**

Mr. Phiroze Edulji,
Md. Sarwar Sahan,
Mr. Binay Shaw,
Mr. Lokenath Chatterjee,
Ms. Sweta Bhatta,
Mr. Maidul Islam Kayal.

...For the petitioner.

Mr. Anirban Ray, ld. Government Pleader,
Mr. Raja Saha,
Mr. Debasish Ghosh.

...For the State.

Mr. Ratnanko Banerji, ld. Sr. Advocate,
Ms. Sonal Sinha,
Mr. Kanishka Kejriwal.

...For the State Election Commission.

Affidavit-of-service filed in Court today be taken
on record.

The writ petitioner is a candidate for Ward No.
116 in the forthcoming Election to the Kolkata
Municipal Corporation.

It is submitted that candidates are required to
nominate as polling agents, only persons who live
within the jurisdiction of a particular polling booth.

Counsel for the petitioner submits that in all
cases appropriate persons within the same polling
booth jurisdiction may not be, available or suitable to
act as such polling agent.

The petitioner prays that he be permitted to nominate a person from another polling booth area, as polling agent.

Mr. Ratnanko Banerji, Counsel appearing for the State Election Commission, submits that the practice of requiring the candidates to nominate polling agents, from the jurisdiction of the same polling booth is continuing on since the year 2011.

Having heard the learned Counsel for the State Election Commission, this Court is the view that since the practice is being carried on since 2011, it is something that all candidates in the election are aware and hence required to follow.

However, since one specific individual request has been made by the writ petitioner, the State Election Commission shall look into the request and pass a suitable order in accordance with the applicable Rules and under the discretion vested in the State Election Commissioner as expeditiously as possible, preferably within next 24 hours of communication of a copy of the order.

With the aforesaid observations, the writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

