

WPA(P) 28 of 2022

Sri Tapan Saha
Vs.
State Election Commissioner & Ors.
(Through Video Conference)

Mr. Arunangshu Chakraborty
Ms. Geniya Mukherjee
Mr. Yashraj Roy
Ms. Poulami Bose

... ... for the petitioner

Ms. Sonal Sinha

... ... for the SEC

Mr. P. S. Deb Barman
Mr. Amlan Mukherjee

... ... for the respondent no.3

By this petition the petitioner has sought for a direction to the respondents to produce the record pertaining to grant of Scheduled Caste Certificate by the SDO to private respondent no.3 namely, Prasenjit Nag and has also prayed for a direction to the Director General of Police to investigate into the status of the ancestors and other family members of the said private respondents to the effect whether any of the relatives having any Scheduled Caste Certificate. Further prayer has been made to direct the State respondent to produce the record pertaining to the fact whether the private respondent during his academic pursuit availed any benefit reserved for scheduled caste student.

A perusal of the petition reveals that the petitioner has filed the present petition projecting himself to be a social activist and raising the plea that the ward no.20 Constituency of Bidhannagar Municipal Corporation has

been earmarked as reserved for scheduled caste Constituency but the respondent no.3 has been set up as a candidate by one of the political party in forthcoming Bidhannagar Municipal Corporation though he is not a member of the scheduled caste community and that he might have obtained a fake certificate.

A preliminary objection has been raised by the counsel for the State Election Commission as also the private respondent no.3 that the petitioner is one of the candidate for Bidhannagar Municipal Corporation election but he has not disclosed this fact.

A document has been produced relating to the proceedings of scrutiny of nomination paper of Bidhannagar Municipal Corporation, 2022 which reveals that the petitioner is one of the independent candidates for the election.

Learned counsel for the petitioner has also not disputed this fact.

The petitioner has suppressed this fact in the petition that he is one of the candidates contesting election of concerned municipal corporation. This amounts to gross suppression of fact and the present writ petition is liable to be dismissed with costs on the sole ground of suppressing the fact.

The fact now revealed by the respondents shows that the petition is by one contesting candidate against another. This fact has changed the entire complexion of

the case. Hence, we dismiss this writ petition by imposing costs of ₹50,000/- which is to be deposited by the petitioner with the Legal Services Authority within a period of two weeks from today.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)