

Item No. 3

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

21.06.2023
Ct-24

WPA 3850 of 2023
Shri Jangeswar Tudu
v.

West Bengal State Election Commission & Ors.

Mr. Soumen Kumar Dutta
Mr. Sabyasachi Bhattacharjee
Mr. Arpita Kundu
... for the petitioner.

Mr. Lalit Mohan Mahata
Mr. Rudranil De
... for the State.

Ms. Sonal Sinha
Mr. Sujit Gupta
Mr. Sayan Datta
Mr. Soumen Chatterjee
... for the State Election Commission.

The petitioner is aggrieved by the order dated November 25, 2022 passed by the West Bengal State Election Commission whereby the Constituency in question being Manbazar-I/ZP-30 has been reserved for Scheduled Tribe (Women.)

It appears that the writ petition was filed on February 15, 2023. The matter was taken up for consideration by the Court and on April 10, 2023, direction was passed for filing of a report. The report has since been filed and an exception thereto has also been filed by the petitioner.

Specific contention of the petitioner is that as per the census report the constituency in question ought not

to have been reserved for the Scheduled Tribe (Women). The same ought to have been a general category seat.

Learned advocate representing the State respondent submits that in view of the declaration of the dates of the election process by notification by the State Election Commission, the writ petition has become infructuous. The recourse of the petitioner is to file an election petition to adjudicate the issue.

It appears that during the pendency of the writ petition, the State Election Commission has already published a notification declaring the dates of the election.

The last date for filing the nominations, date for scrutiny, date for withdrawal of nominations is over.

I am of the opinion that at this stage, the contention of the petitioner that the constituency in question has been wrongly reserved for Scheduled Tribe (Women) candidate cannot be adjudicated by the Court in view of the provision of Sections 79, 80 and 93 of the West Bengal Panchayat Elections Act, 2003.

As such no relief can be granted to the petitioner in the instant case.

The writ petition fails and is hereby dismissed.

Dismissal of the writ petition will, however, not stand in the way of the petitioner to take steps in accordance with law to approach the appropriate forum for redressal of his grievances, if so advised.

It is made clear that the Court has not entered into the merits of the claim of either of the parties.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)