

22.03.2023.
p.b.
Sl. No.138.

WPA 6463 of 2023

Md.Apel Sk.
Vs.
The State of West Bengal & Ors.

Mr. Saptansu Basu,
Mr. Md. Hafiz Ali,
Mr. Partha Sarathi Das,
Adv. Santa Sarkar.

.....for the petitioner.

Mr. Pradip Kr. Roy,
Mr. Prabir Kr. Ray,
Mr. Joydeep Roy.

.....for the State.

Mr. Srijan Nayak,
Mr. Ankit Sureka.

.....for Coop. Election Commission.

Heard learned advocates appearing for the parties.

It appears that on 28th September, 2022, an order was passed disposing the writ petition being WPA 21600 of 2022, by directing the Co-operative Election Commission authority to hold the election of the society in question and to complete the same within 10 weeks from the date of communication of the said order and pursuant to the said order, the respondent no.5 being the Assistant Returning Officer has published a notification dated 6th March, 2023 for conducting the election of the Board of Directors of the society concerned and stating all the details therein about the filing of nomination and other respective details about the number of seats and dates of further proceedings.

Mr. Basu, learned senior advocate appearing on behalf of the petitioner submits that petitioner is aggrieved by the part of the notification which says that one seat is reserved for the female and one seat for SC/ST/OBC candidates without indicating the allocation in respect of the constituency. According to Mr. Basu, there is ambiguity in the notification since there is no indication of constituency which is reserved in the aforesaid category and further it will create a complicating circumstances if no-one participates in such reserved seats.

Mr. Nayak, representing the respondent election authority opposes this writ petition by contending that the aforesaid notification has no ambiguity and it is quite clear and if at all there is any ambiguity that should be decided after holding the election and considering the affidavit in opposition to be filed in the matter.

Considering the facts and circumstances of this case and submission of the parties, without going into merit of the disputes raised between the parties as discussed hereinabove, I am of the considered view that petitioner should approach the respondent election authority concerned for redressal of grievance of such nature by making appropriate representation. Accordingly, this writ petition being WPA 6463 of 2023 is disposed of by granting liberty to the petitioner to make appropriate representation before the respondent authority concerned for the nature

of grievance indicated hereinabove within 3 days from date and if such representation is made by the petitioner within the time stipulated herein, the same shall be considered and disposed in accordance with law and by passing a reasoned and speaking order after giving an opportunity of hearing to the petitioner and all other interested parties, within 4 days from the date of receipt of such representation. Till the disposal of such representation, the election process in question will not be proceeded any further. In case petitioner fails to make representation within the time stipulated herein, this order will not have any force.

This court has not gone into the merit of the disputes raised by the parties, the authority concerned will consider and decide the such representation without being influenced by any observation made in this writ petition.

(Md. Nizamuddin, J.)