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24.01.2023
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 7543 of 2022

**Ajit Mahato
-versus
The West Bengal State Election Commission
& Ors.**

**Mr. Md. Nauroz Rahber,
Mr. Mohammad Jawood
...For the Petitioner.**

**Ms. Sonal Sinha.
...For the Respondent No.2.**

**Mr. S. Banerjee,
Mr. A.K. Nag,
Mr. Tirthankar Dey.
...For BMC.**

**Mr. Jisan Iqubal Hossain,
Ms. Chandrima Debnath.
...For the Respondent No.6.**

**Mr. Srijan Nayak,
Ms. Rituparna Maitra.
...For the Respondent
Nos. 3 and 4.**

Affidavit-of-service and the supplementary affidavit filed in Court today are taken on record.

The petitioner contends that the private respondent no.6 belongs to a general category candidate and accordingly, she could not have contested the election for the post of Councillor in Ward no.9 of Dalkhola Municipality which is reserved for a scheduled caste candidate.

The petitioner relies upon a certified copy of a deed of sale wherein the caste of the brother of the private respondent is mentioned.

The petitioner submits that neither the father nor the brother of the private respondent belongs to a scheduled caste category. Accordingly, the private respondent cannot be treated as a scheduled caste candidate.

Learned advocate appearing for the respondent Nos. 3 and 4 that is the District Magistrate and the Election Officer, Uttar Dinajpur and the Sub-Divisional Officer, Islampur Sub-Division respectively submits, upon instructions, that the private respondent belongs to a scheduled caste category and a certificate was issued in favour of the private respondent by the Sub-Divisional Officer, Islampur Sub-Division.

Learned advocate appearing for the Election Commissioner submits, upon instructions, that the Election Commissioner verified all the documents of the private respondent and thereafter permitted the private respondent to contest the election as a scheduled caste category candidate.

Learned advocate appearing for the private respondent No.6 produces copy of the certificate issued by the Sub-Divisional Officer, Islampur Sub-Division bearing Certificate No. WB0401SC201905584 dated 23rd December, 2019.

The said certificate mentions that the private respondent No. 6 belongs to a caste which is recognized as scheduled caste.

It appears from the submissions made on behalf of all the parties that the authorities have verified the documents of the private respondent and being satisfied that she belongs to the scheduled caste category permitted her to contest the election from the reserved category seat.

The elections are long over and valuable right of the parties has accrued in the meantime. It will not be appropriate to unsettle the settled position after such a long period of time.

In view of the above, no relief can be granted to the petitioner in the instant case.

The writ petition, accordingly, fails and is hereby dismissed.

Photocopy of the caste/tribe certificate issued in favour of the respondent No. 6 filed in Court today is taken on record.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)