

05.04.2023
Court No. 19
Item no.42
CP

WPA No. 9367 of 2022

Ramanath Dutta
Vs.
The State of West Bengal & Ors.

Mr. Partha Ghosh
Mr. Amal Kumar Datta
Ms. S. Sureka
Mr. Debashis Das
Mr. R. Agarwala

....for the petitioner.

Mr. Tarun Kr. Ghosh
Ms. Debarati Sen (Bose)

.....for the State.

Affidavit of service is taken on record.

Despite service, none appears on behalf of the respondent nos. 5 and 6.

The petitioner is a voter under the Khandra Gram Panchayat. The petitioner alleges that the Sub-Divisional Officer, City Centre, Durgapur did not consider the prayer of the petitioner for cancellation of the scheduled caste certificate issued in favour of Rinku Debi Dusad. The petitioner submits that the scheduled caste certificate was illegally procured by Rinku Debi Dusad on April 28, 2022 in order to enable her to contest from a seat reserved for a scheduled caste candidate. A representation was sent to the District Magistrate, Paschim Burdwan, Sub-Divisional Officer, City Centre, Durgapur and the

Block Development Officer, Andal. The said representation is yet to be disposed of.

The writ petition is disposed of without entering into the merits of the allegation of the petitioner.

Learned advocate for the State respondents submits that the writ petition lacks material particulars which would indicate the correctness of the allegations made by the petitioner.

In any event, as this court is not expressing any opinion, such objection of the State respondents shall also be looked into by the concerned authority, while disposing of the representation of the petitioner which is Annexure P-3, at page 18 of the writ petition.

Thus, the Sub-Divisional Officer, City Centre, Durgapur shall hear the petitioner, the respondent nos. 5,6 and 7 and any other interested party and arrive at a decision as to whether the scheduled caste certificate was rightly issued in favour of Rinku Debi Dusad.

A reasoned order shall be passed and communicated to all.

The entire exercise shall be completed within a period of two months from the date of communication of this order.

It is made clear that in the event the allegations are found to be correct, necessary steps shall be taken by the authority concerned, strictly in accordance with law.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)