

Item No. 3(SL)

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

20.06.2023
Ct-24

WPA 14572 of 2023
Rabiul Sekh

v.

The Secretary of West Bengal Election Commission &
Ors.

Mr. Apurba Ghosh
Mr. Anindya Ghosh
... for the petitioner.

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

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

The petitioner intends to participate in the Panchayat General Election, 2023 as OBC candidate from a reserved category seat.

The grievance of the petitioner is that despite filing application before the Sub-Divisional Officer, the caste certificate has not yet been issued in his favour.

According to the provisions of the West Bengal Panchayat Elections Act, 2003 the candidate who seeks reservation is required to produce the caste certificate. The caste certificate has not yet been issued in favour of the petitioner.

It does not appear that the Commission acted in any manner contrary to the provisions of law. In the absence of the caste certificate the petitioner cannot get the benefit of reservation.

It is always open for the petitioner to participate as general category candidate in the event of non-availability of the caste certificate.

No relief can be granted to the petitioner in the instant case.

The writ petition fails and is hereby dismissed.

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.)