

SL 07
20.06.2023
d.p.

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

W.P.A 14593 of 2023

**Nurnihar Sk.
-versus
The Secretary of West Bengal Election
Commission & Ors.**

**Mr. Sabyasachi Chatterjee,
Mr. Sandipan Das,
Mr. Sayan Banerjee,
Mr. Badrul Karim,
Mr. Subhajit Saha.
...For the Petitioner.**

**Ms. Sonal Sinha,
Mr. Sayan Datta,
Mr. Soumen Chatterjee,
Mr. Sujit Gupta.
...For Election Commission.**

The petitioner claims to be a member of the OBC
'A' community.

An application for obtaining the caste certificate
was submitted by the petitioner on 11th June, 2023.

The petitioner, with the intention of participating
in the Panchayat General Election 2023, applied for
contesting in the reserved category post relying upon
the acknowledge slip issued by the office of the Sub-
Divisional Officer at the time of filing the application for
obtaining the caste certificate.

The grievance of the petitioner is that the Returning Officer accepted the nomination of the petitioner but thereafter her candidature stood rejected as she failed to produce the caste certificate.

Prayer has been made for permitting the petitioner to contest the Panchayat General Election 2023.

According to the provision of the Panchayat Elections Act, 2003, a candidate contesting from the reserved category seat is required to possess and produce the caste certificate.

In the present case, application for obtaining the caste certificate was made only on 11th June, 2023, that too, after the notification declaring the dates of the election was published by the State Election Commission.

It was absolutely within the authority of the Commission to reject the candidature of the petitioner in the absence of a caste certificate.

At this stage, it will not be possible for the Court to grant any relief to the petitioner.

The writ petition fails and is hereby dismissed.

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

(Amrita Sinha, J.)