

SL 08
20.06.2023
d.p.

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

W.P.A 14594 of 2023

**Sk. Anabul Hossain
-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' category. Caste Certificate was issued in favour of
the petitioner on 13th June, 2023.

The petitioner claims that at the time of filing the
nomination for contesting the Panchayat General
Election 2023, he submitted the photocopy of the caste
certificate but the Returning Officer put a tick mark in
respect of the column which mentions that the caste
certificate has not been submitted.

The petitioner submits that he came to know of
the aforesaid only after the scrutiny was over on 17th
June, 2023.

Prayer has been made for permitting the petitioner to contest the election as OBC 'A' category candidate from the reserved seat.

It is seen that the time for scrutiny of nomination papers is long over and the date and time for withdrawal of the nomination is also over.

At this stage it will be practically difficult for the concerned officer to check the papers of the petitioner and ascertain as to whether the caste certificate was actually submitted or not.

As the final list is yet to be published, the Court directs the concerned officer to scrutinize the documents of the petitioner to ascertain as to whether the caste certificate was actually submitted along with other documents. Such scrutiny shall be made by today (20.06.2023).

If it appears that the caste certificate of the petitioner is in order, then the Commission shall consider the nomination of the petitioner to be proper.

If the caste certificate is not available with the documents submitted by the petitioner, then no further step is required to be taken by the Commission in this regard.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)