

20.06.2023
(S/L-11)
Ct.-24
(Susanta)

W.P.A. 14598 of 2023

Anisha Khatun
-Vs-
The Secretary of West Bengal
Election Commission & Ors.

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

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

The petitioner intended to participate in the Panchayat General Election, 2023 from a reserved category seat. The last date for filing the nomination was 15th June, 2023.

The Caste Certificate was issued in favour of the petitioner on 16th June, 2023. Admittedly, on the date when the petitioner filed the nomination, Caste Certificate was not in her possession.

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

According to the provision of the WB Panchayat Elections Act, 2003, a candidate

contesting from the reserved category seat is required to possess and produce the caste certificate.

In the instant case, caste certificate was issued in favour of the petitioner after the last date of filing nomination.

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

As the Caste Certificate of the petitioner was not issued prior to the last date of filing nomination, accordingly, prayer of the petitioner for permitting her to contest the Panchayat Election as a reserved category candidate cannot be accepted.

It is more so because if the prayer of the petitioner is accepted, then similar such cases will come up in future and the entire process of election may be disturbed.

Accordingly, no relief can be granted to the petitioner in the instant writ petition.

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.

(Amrita Sinha, J.)