

Item No.14(SL)

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

20.06.2023
Ct-24

WPA 14601 of 2023
Kashmira Begam Khan

v.

The Secretary of West Bengal Election Commission &
Ors.

Mr. Sabyasachi Chatterjee
Mr. Sandipan Das
Mr. Sayan Banerjee
Mr. Badrul Karim
Mr. Subhrajit Saha
... for the petitioner.

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

The petitioner submitted her nomination for contesting the Panchayat General Elections, 2023 from a reserved category seat.

Caste Certificate was issued in favour of the petitioner on June 14, 2023 and she submitted her nomination on the same date i.e. June 14, 2023.

The Returning Officer issued a receipt acknowledging documents submitted by the petitioner at the time of filing the nomination papers. In the said receipt it was mentioned that the petitioner did submit the caste certificate.

Learned advocate for the petitioner submits that at the time of scrutiny the Panchayat Officer struck off the

recording in respect of acceptance of the caste certificate.

It has been submitted that the Returning Officer acted in an illegal and arbitrary manner in not accepting the caste certificate of the petitioner.

Prayer has been made for a direction upon the Commission to permit the petitioner to contest the election as a reserved category candidate.

Learned advocate representing the Commission is yet to receive instruction in the matter.

It appears that the caste certificate was issued in favour of the petitioner on June 14, 2023 and the same appears to have been submitted at the time of filing nomination papers on June 14, 2023.

The Commission is, accordingly, directed to scrutinize the documents submitted by the petitioner at the time of filing the nomination papers. If the caste certificate of the petitioner was submitted at the time of filing the nomination, then the Commission shall permit the petitioner to contest the election as a reserved category candidate.

A decision shall be taken in the matter at the earliest.

The writ petition stands disposed of.

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.)