

Item No.15(SL)

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

20.06.2023
Ct-24

WPA 14602 of 2023
Md. Atiur Rahaman

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 grievance of the petitioner is that the Returning Officer accepted the nomination of one Kamiruddin Sekh even though documents were filed by the said Kamiruddin Sekh after the prescribed time period mentioned in the notification publishing the dates of the election.

The petitioner as well as the aforesaid Kamiruddin Sekh both intended to participate from reserved category seat. Both submitted their caste certificates after the prescribed date for filing the nomination.

The petitioner alleges that the Commission accepted the candidature of the candidate from the

ruling political party but refused to accept the candidature of the petitioner.

From the time schedule of election published by the Election Commission, it appears that, the last date for filing the nomination, date for scrutiny, date for withdrawal of nomination are over. 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.

It will, however, be open for the petitioner to seek remedy before the appropriate forum in accordance with law, if he feels that his candidature has been wrongly rejected by the Commission.

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.)