

Ct. 24
Item No.01(SL)
22.06.2023
(Suvendu)

WPA 14644 OF 2023

**Ripon Sk
Vs.
State of West Bengal & Ors.**

Mr. Samim Ahammed
Mr. Parasar Baidya
Ms. Gulsanwara Parvin

...for the petitioner

Mr. Sirsanya Bandopadhyay
Mr. Arka Kumar Nag

.....for the State

Ms. Sonal Sinha
Mr. Sujit Gupta
Mr. Sayan Datta
Mr. Soumen Chatterjee

.....for the State Election Commission

The petitioner has come with a case that one, Salima Begum, who filed her nomination for contesting the General Panchayat Election, 2023 from a reserved category seat does not belong to the said category.

It is the specific contention of the petitioner that the OBC Certificate issued in favour of the said Salima Bagum was obtained upon practicing fraud and misrepresentation.

Further contention of the petitioner is that the said Salima Begum does not belong to the Other Backward Class and the name of the father of Salima

Begum has been incorrectly mentioned in the certificate issued by the Sub-Divisional Officer, Kandi.

PAN Card of Salima Begum has been relied upon to show that the name of the father of Salima Begum is Syed Ali Murtuja. The petitioner has annexed the voter slips of the father, brother and husband of the candidate in support of his contention.

The petitioner alleges that the candidate concerned resorted to corrupt practice in filing nomination relying upon a certificate which was obtained on the very last date of filing the nomination papers. The petitioner prays for cancellation of nomination of Salima Begum.

The prayer of the petitioner has been opposed by the learned advocates representing the State respondents and the State Election Commission.

It has been submitted that the Election Commission acted in accordance with the certificate issued by the competent authority and till the certificate is not cancelled by the competent authority, the Commission has no other option but to accept the same.

Upon hearing the submissions made on behalf of all the parties it appears that as on date there is a

certificate issued in faovur of the said Salima Begum by the competent authority, i.e. the concerned Sub-Divisional Officer certifying her as a member of the Other Backward Classes. As long as the certificate remains valid, the said candidate will be entitled to the benefit of reservation. As the petitioner has contended that the said certificate was obtained by practicing fraud and misrepresentation, accordingly, it will be open to the petitioner to take proper steps for redressal of his grievance before the appropriate forum in accordance with law, if so advised.

In the event such representation is filed before the competent authority, the same shall be considered in accordance with law after giving reasonable opportunity of hearing to all the necessary parties.

No further relief can be granted to the petitioner in the instant writ petition and the writ petition is disposed of accordingly.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Amrita Sinha, J.)