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21.06.2023  
d.p.

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

**WPA 14721 of 2023**

**Boothnath Mondal & Ors.  
-versus  
The State of West Bengal & Ors.**

**Mr. Bikash Ranjan Bhattacharyya, Sr. Adv.  
Mr. Samim Ahammed  
Ms. Saloni Bhattacharjee  
Ms. Gulsanwara Pervin  
Mr. Arka Ranjan Bhattacharya  
Ms. Ambika Khatun  
...For the Petitioners.**

**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 petitioners submitted their nomination for contesting the Panchayat General Election, 2023. Their names were published in the list after scrutiny.

The grievance of the petitioners is that in the final list their names have been dropped out. No reason whatsoever has been disclosed as to why the names of the petitioners have been dropped out suddenly after the list was published on scrutiny of their nominations.

Learned advocate appearing for the State respondents submits that after the final publication of the list of candidates eligible to contest the election,

there is no scope for the Election Commission to permit the other candidates to contest the same.

It has been submitted that the recourse as of now is to file an election petition. The Court sitting in the writ jurisdiction ought not to interfere in the matter, at this stage.

It appears from the submissions made on behalf of the parties and upon perusal of materials on record that the nomination papers of the petitioners were scrutinized and their names published in a list. When the final list was published the names of the petitioners disappeared.

The petitioners assert that they did not file any application for withdrawal of their nominations. If the petitioners have not withdrawn their nominations voluntarily, then the State Election Commission ought not to have removed their names from the final list.

There is nothing on record to suggest that there was voluntarily withdrawal of the nomination.

In view of the above, the State Election Commission through the Panchayat Returning Officer is directed to permit the petitioners to contest the election. Steps shall be taken by the Commission in compliance of the above direction.

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.)**