

Ct. 24
Item No.02(SL)
22.06.2023
(Suvendu)

WPA 14757 OF 2023

**Monoranjana Mondal
Vs.
State of West Bengal & Ors.**

Mr. G.F.Hossain
Ms. Piyanka Mandal

...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 as well as the private respondent both are contesting the Panchayat General Election 2023 from the same seat. The seat is reserved for Scheduled Caste candidates.

The petitioner challenges the candidature of the private respondent on the ground that he does not belong to the reserved community. The petitioner has annexed documents in support of his submission that the private respondent falls under the community of "Mahisya" which is not included in the list of Scheduled Castes and Scheduled Tribes in West Bengal.

Objection was filed by the petitioner before the concerned Sub-Divisional Officer seeking cancellation of the Caste Certificate issued in favour of the private respondent. The petitioner also prays for a direction upon the Election Commission to debar the private respondent from contesting the Panchayat Election.

The learned advocate representing the State respondents has obtained instruction from the Sub-Divisional Officer that the Caste Certificate was issued in favour of the private respondent claiming to be a member of "Rajbanshi" community which is included in the list of Scheduled Castes and Scheduled Tribes in West Bengal. The said certificate was issued as far back as in October, 2017.

From the submissions made on behalf of the parties it appears that the nomination of the private respondent was accepted in respect of a reserved category seat as there is a valid Caste Certificate in his favour.

The petitioner presently contends that the said Caste Certificate was issued on furnishing false submission on behalf of the private respondent. The petitioner has already filed an objection before the Sub-Divisional Officer, Basirhat.

The writ petition is disposed of by directing the Sub-Divisional Officer, Basirhat to take a decision on the objection filed by the petitioner in accordance with law after giving reasonable opportunity of hearing to all the parties within twelve weeks from the date of communication of this order. A reasoned order shall be passed and communicated to the parties immediately thereafter.

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

(Amrita Sinha, J.)