

Item No.3

26.06.2023
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 14805 of 2023
Saraju Ari

v.

The West Bengal State Election
Commission & Ors.

Mr. Tarunjyoti Tewari
Mr. Aniruddha Tewari
... for the petitioner.

Mr. Sirsanya Bandopadhyay, Ld. JSC.
Mr. Arka Kumar Nag
... for the State.

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

Both the petitioner and the private respondent are contesting the Panchayat General Elections, 2023. The petitioner challenges the candidature of the private respondent.

The contention of the petitioner is that in respect of the Minakha/V-6 constituency the portal of the State Election Commission disclosed that only one candidate filed nomination i.e. the petitioner. The seat in question is reserved for Scheduled Caste (Women).

The petitioner recently came to learn that another candidate i.e. the private respondent is also contesting from the Minakhan/V-6 constituency. The status of the private respondent in the portal of the State Election Commission is mentioned as 'general', whereas the

document that has been handed over by the Returning Officer mentions that the private respondent is a Scheduled Caste candidate.

It has been submitted in view of the discrepancies in recording the status of the private respondent and the seat from which the private respondent is contesting, the candidature of the private respondent is liable to be rejected.

Learned advocate representing the State respondents submits, upon instruction that, the details of the private respondent were wrongly uploaded in respect of Minakhan/IV-5 constituency. The same ought to have been uploaded in respect of Minakhan/V-6 constituency.

It has further been submitted that the private respondent belongs to a Scheduled Caste (Women) category and she has filed all documents in support of her nomination along with her caste certificate in respect of the Minakhan/V-6 constituency.

It appears from the submissions made on behalf of both the parties that the details of the private respondent were erroneously uploaded in the portal of the State Election Commission.

The Returning Officer was absolutely within his jurisdiction to rectify the error and permit the validly nominated candidate to contest the election.

In view of the above, no relief can be granted to the petitioner in the instant writ petition.

The writ petition fails and is hereby dismissed.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

Sh

(Amrita Sinha, J.)