

Ct. 24
Item No.04(SL)
22.06.2023
(Suvendu)

WPA 14836 OF 2023

**Subrata Kayal
Vs.
The State of West Bengal & Ors.**

Ms. Shila Chatterjee

...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 intended to contest the Panchayat General Election, 2023 as a reserved category candidate. He applied for obtaining the Caste Certificate on 14th June, 2023 and the same was issued in his favour on the same date at 14.17.08 hrs. (2.17 p.m.).

The Caste Certificate issued in favour of the petitioner on 14th June, 2023 mentions the issuing date and time. The same is annexed at page 18 of the writ petition.

The petitioner filed his nomination as a scheduled category candidate on 14th June, 2023 at 2.10 p.m. The respondent authority rejected the

candidature of the petitioner as the nomination papers did not contain the Caste Certificate.

The petitioner is aggrieved by the same.

The petitioner contends that as he belongs to the Scheduled Caste from the date of his birth, accordingly, he ought to be permitted to contest the election as reserved category candidate.

Reliance has been placed upon the order passed by this Court on 20th June, 2023 in WPA 14594 of 2023 (Sk. Anabul Hossain Vs. The Secretary of West Bengal Election Commission and Ors.).

Learned advocate representing the State respondents opposes the prayer of the petitioner. It has been submitted that the candidate ought to possess and produce the Caste Certificate at the time of filing the nomination. The petitioner did not possess the Caste Certificate at the time of filing the nomination and accordingly the petitioner cannot be treated as a Scheduled Caste candidate.

According to the provisions of the West Bengal Panchayat Elections Act, 2003, the candidate seeking benefit of reservation ought to possess and produce the certificate at the time of filing the nomination papers. The petitioner admittedly obtained the certificate after filing the nomination papers. The respondent authorities acted in

accordance with the law in not accepting the candidature of the petitioner as a scheduled category candidate. It does not appear that there is any error on the part of the respondents.

The writ petition fails and is hereby dismissed.

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

(Amrita Sinha, J.)