

Ct. 24
Item No.05(SL)
22.06.2023
(Suvendu)

WPA 14842 OF 2023

Kusmi Pahari
Vs.
The Secretary of West Bengal
Election Commission & Ors.

Mr. Sabyasachi Chatterjee
Mr. Subhrajit Sahu
Mr. Sandipan Das
Mr. Badrul Karim

...for the petitioner

Mr. Amal Kumar Sen
Mr. Lal Mohan Basu

.....for the State

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

.....for the State Election Commission

The grievance of the petitioner is that though she applied for obtaining a Caste Certificate way back on 4th February, 2021 but the same was issued in her favour only on 17th June, 2023 after the date and time of scrutiny of the nominations for the Panchayat General Election 2023 was over.

The petitioner submits that the respondent authority deliberately did not issue the Caste Certificate in proper time. The petitioner seeks for a direction upon the respondents to permit her to

contest the election after accepting her Caste Certificate.

The aforesaid submissions of the petitioner cannot be accepted by the Court.

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.)