

SL 01
23.06.2023
d.p.

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

W.P.A 14878 of 2023

**Chaina Maji
-versus
The West Bengal State Election
Commission and Ors.**

**Mr. Niladri Sekhar Ghosh,
Mr. Mujibar Ali Naskar,
Mr. Sourav Mondal.
...For the Petitioner.**

**Ms. Sonal Sinha,
Mr. Tarun Chatterjee,
Mr. Sujit Gupta,
Mr. Sayan Datta,
Mr. Soumen Chatterjee
...For the State Election Commission.**

The petitioner claims to be a scheduled caste candidate. She inadvertently submitted her nomination for contesting the Panchayat General Election, 2023 from a general category seat on 12th June, 2023 and also submitted nomination against a reserved category seat on 15th June, 2023.

The petitioner withdrew her nomination from general category seat on 19th June, 2023.

It appears that the last date for making nomination was 15th June, 2023 within which the petitioner filed nomination in respect of the seat reserved for the scheduled caste. The last date for withdrawal of candidature was 20th June, 2023. On the

19th June, 2023 she withdrew the nomination inadvertently made in respect of the general category seat.

The final list of contesting candidates was published on 20th June, 2023 but the name of the petitioner did not appear in the said list.

The petitioner is aggrieved by the same and has filed the present writ petition.

Prayer has been made for permitting the petitioner to contest the election from the reserved category seat.

Learned advocate appearing for the petitioner submits that the final list of contesting candidates was uploaded in the official portal of the Commission only in the late night of 21st June, 2023.

The petitioner did not have any opportunity to raise any objection before the concerned Returning Officer.

Learned advocate appearing for the State Election Commission is yet to receive any instruction in the matter.

In view of the above, leave is granted to the petitioner to raise appropriate objection before the concerned Returning Officer.

If any objection is filed by 24th June, 2023, 12 noon the same shall be considered by the concerned Panchayat Returning Officer at the earliest, but positively by 26th June, 2023.

If the Panchayat Returning Officer finds that the nomination of the petitioner is in order, then she shall be permitted to contest the election.

In the event the petitioner's prayer is not accepted, a reasonable order shall be passed and communicated to the petitioner immediately.

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.)