

23-06-2023
Item No. SL.2
Subrata
Bhattacharyya

IN THE HIGH COURT AT CALCUTTA
Constitutional writ Jurisdiction
Appellate Side

WPA No.14886 of 2023
Sekh Raosonara Begam

-vs-

The State of West Bengal & Ors.

Mr. Kaustav Bagchi
Mr. Debayan Ghosh
Ms. Priti Kar ...for the petitioner

Mr. Lalit Mohan Mahato
Mr. Rudranil De ...for the State

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

The petitioner filed a nomination for contesting the ensuing panchayat elections 2023. Her nomination was scrutinised and being found in order, her name was published in the list of candidates by the Block Development Officer being the Panchayat Returning Officer.

Grievance of the petitioner is that all on a sudden her name has been dropped from the list of eligible candidates. No reason whatsoever has been disclosed to the petitioner as to why her name was suddenly dropped. The petitioner asserts that she did not withdraw her nomination.

Prayer has been made to allow the petitioner to contest the election as a candidate of the Indian National Congress.

Learned advocate representing the respondents opposes the prayer of the petitioner. It has been submitted that as the final list has been published, accordingly, at this stage, the prayer of the petitioner ought not to be accepted by the court. The only remedy is to file an election petition.

I have heard the respective submissions made on behalf of the parties. It appears that the petitioner's name was published in the list of eligible candidates by the Panchayat Returning Officer after the process of scrutiny and withdrawal of nominations were over. Thereafter, as the petitioner did not withdraw her nomination, accordingly, there was no occasion on the part of the Panchayat Returning Officer to remove the name of the petitioner from the select list.

An objection to that effect is pending consideration before the District Panchayat Election Officer.

The instant writ petition is, accordingly, disposed of by directing the District Panchayat Election Officer to take a decision on the objection filed by the petitioner at the earliest, but positively by June 26, 2023.

In the event the candidature of the petitioner is found to be in order, then she shall be permitted to contest the election.

A reasoned order shall be passed and communicated to the petitioner forthwith, if there is any error in the nomination filed by the petitioner.

WPA No.14886 of 2023 is thus disposed of.

All parties to act on the server copy of this order

duly downloaded from the official website of this court.

Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]