

SL 05
23.06.2023
d.p.

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

W.P.A 14908 of 2023

**Fulmani Mardi
-versus
The West Bengal State Election
Commission and Ors.**

**Mr. Subir Sanyal,
Mr. Lokenath Chatterjee,
Mr. Ayanabha Raha,
Mr. Susanta Ghosh,
Mr. Praloy Bhattacharyya,
Mr. Yashraj Roy.
...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 member of the scheduled tribe community. She inadvertently filed her nomination in respect of a seat which was reserved for OBC candidate. On detection of the error, she immediately filed another nomination in respect of the seat reserved for the scheduled tribe. Both the nominations were filed within the prescribed time limit.

The nomination of the petitioner in respect of the seat reserved for the OBC candidate stood automatically cancelled.

The nominations of the petitioner were scrutinized and a list was published in respect of the constituency reserved for the scheduled tribe wherein the name of the petitioner appeared.

The petitioner asserts that she did not withdraw her nomination from the seat reserved for scheduled tribe candidate.

The grievance of the petitioner is that in the final list that was published, her name did not appear. The petitioner has not been intimated any reason as to why her name has been dropped from the final list of eligible candidates.

The petitioner filed an objection before the Block Development Officer, Mayureswar-I Block on the 19th June, 2023.

Allegation is that the same has not been disposed of till date.

As it appears that the objection filed by the petitioner is pending consideration at the end of the Block Development Officer, accordingly, the instant writ petition is disposed of by directing the Panchayat Election Returning Officer and the Block Development Officer, Mayureswar-I Block to consider the said objection and pass a reasoned order and communicate the same to the petitioner.

In the event it appears that the petitioner will be eligible for contesting the election, then the said respondent shall permit the petitioner to contest the same.

A decision shall be taken in the matter at the earliest, but positively by 26th June, 2023.

Learned advocate appearing for the petitioner is directed to forward a copy of the objection along with other necessary documents to the aforesaid respondent at the time of communicating the order of the Court.

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.)