

Ct. 24
Item No.18
28.06.2023
(Suvendu)

WPA 14991 OF 2023

**Usha Rani Das Goura
Vs.
The State of West Bengal & Ors.**

Mr. Saibal Acharyya
Ms. Renesa Dey

...for the petitioner

Mr. Amal Kr. Sen
Mr. Lal Mohan Basu

.....for the State

Mr. Jayanta Kumar Das
Mr. Tanmoy Ghosh
Ms. Madhumanti Das

.....for the respondent no.7

The petitioner as well as the private respondent are contesting candidates of the Panchayat General Election, 2023.

The specific allegation of the petitioner is that the private respondent is an existing contractor of the concerned Gram Panchayat and accordingly he is ineligible to contest the election.

The petitioner places directions issued by the State Election Commission clarifying that a contractor having a completion certificate but whose security deposit is yet to be released from the block due to non-completion of six months from the date of

completion of the work is eligible to contest the election. The petitioner submits that completion certificate has not been issued in faovur of the private respondent and the payment is still due.

Objection was filed against the candidature of the private respondent on the date of withdrawal of the nomination. The same has not been considered.

Learned advocate representing the private respondent produces a copy of the Scheme status issued by the Nirman Sahayak and Executive Assistant-Incharge of the concerned Gram Panchayat on 28th June, 2023 mentioning that the private respondent successfully completed the work of installation of submersible pump and the construction was physically complete on 30th May, 2023.

Learned advocate representing the State respondents submits that the objection filed by the petitioner was at a very late stage. The final list of contesting candidates has already been published and at this stage there is no scope for consideration of the objection of the petitioner.

I have heard submissions made on behalf of all the parties.

It appears that although the petitioner submits that the private respondent is an existing contractor

but from the document handed over by the learned advocate representing the private respondent it appears that the contract-in-question was over on 30th May, 2023.

The aforesaid instruction provided by the Nirman Sahayak and the Executive In-charge of the Gram Panchayat clearly shows that the petitioner is no longer an existing contractor and the payment of the private respondent may be an issue but that does not make the private respondent ineligible to contest the Panchayat General Election.

In view of the above, no relief can be given to the petitioner in the instant case.

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.)