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Ct No24 2023
AGM

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

WPA 15003 of 2023

**Shyamal Kumar Pal & Ors.
Vs
West Bengal State Election Commission & Ors.**

**Mr. Pratip Kumar Chatterjee
Mr. Arabinda Manna
... for the Petitioners.**

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

**Mr. Sirsanya Bandopadhyay
Mr. Arka Kumar Nag ... For the State.**

The petitioners are serving as Assistant Professors of a Government College. They have been appointed as Presiding Officers in the General Panchayat Elections, 2023.

The petitioners refer to a directive passed by the Election Commission of India wherein it has been mentioned that the Group A or equivalent senior officer including teacher, staff of Universities, colleges etc. should not be drafted for 'polling duties' in the polling station premises without specific reasons to be recorded in writing by the District Election Officer, where such appointment becomes unavoidable.

Reliance has also been placed upon a communication made by the Secretary of the State Election Commission to the District Magistrate and the District Panchayat Election Officer of all the districts wherein it has been mentioned that seniority of officials should properly be taken care of, while giving election related duties and it should be ensured that a senior official is not put in duty under an official who is junior to him.

The petitioners submit that they ought not to have been appointed as Presiding Officers in a booth. Seniority has not been maintained at the time of allotment of election duty.

Objection has been raised by the petitioners and the same is pending consideration till date.

It appears from the documents annexed to the writ petition and upon hearing the submissions made on behalf of the parties that the petitioners hold a comparatively senior post and ought not to be appointed as presiding officer in a polling booth.

The District Magistrate, Howrah who is acting as District Panchayat Election officer is directed to consider the objection filed by the petitioners in accordance with the prevailing guidelines and directives passed by the Commission from time to time and redress the issue at the earliest.

It has been submitted that the aforesaid respondent refused to accept the objection that was sought to be served.

Learned advocate for the petitioners is directed to forward a copy of the objection to the aforesaid respondent at the time of communicating the order of the Court.

A decision shall be taken in the matter at the earliest but positively by 29th June, 2023.

The impugned appointment letters shall be kept in abeyance till a further decision is taken by the aforesaid respondent in the matter.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)