

Supp 2
Ct No24
AGM

27.06
2023

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

WPA 15115 of 2023

**Md. Asaruddin Shaikh
Vs
The Commissioner, West Bengal State Election
Commission & Ors.**

**Mr. Robiul Islam
Mr. Raju Mondal**

... for the Petitioner.

**Ms. Sonal Sinha
Mr. Tarun Kr. Chatterjee
Mr. Sujit Gupta
Mr. Sayan Datta**

... For the Election Commission.

**Mr. Amal Kumar Sen
Mr. Lal Mohan Basu**

... For the State.

The petitioner submits that the information furnished in the nomination papers submitted by the private respondent and accepted by the Commission is an incomplete one. The name and signature of the witnesses and the proposer are missing in the nomination papers.

According to the petitioner, the Returning Officer ought to have rejected the nomination at the very first instance instead of accepting the nomination.

It appears that the petitioner is yet to raise any objection before the Commission highlighting his grievance.

Without a formal objection being raised before the Commission, the authority will not be in a position to redress the issue.

In view of the above, the instant writ petition is disposed of by granting leave to the petitioner to file appropriate objection before the Commission.

In the event such an objection is filed by tomorrow (28.06.2023), the same shall be considered by the Commission by 30.06.2023 in accordance with law.

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.)