

Ct. 24
Item No.01(SL2)
27.06.2023
(Suvendu)

WPA 15161 OF 2023

**Kashmira Begam Khan
Vs.
The Secretary of West Bengal
Election Commission & Ors.**

Mr. Sabyasachi Chatterjee
Mr. Dipankar Das

...for the petitioner

Mr. Sirsanya Bandopadhyay
Mr. Arka Kumar Nag

.....for the State

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

.....for the State Election Commission

The petitioner challenges the act on the part of the Panchayat Officer in accepting the nomination of the private respondent who is contesting from a reserved category seat relying upon a Caste Certificate which was generated after the time of filing of nomination was over. The Caste Certificate-in-dispute was generated on 15th June, 2023 at 15.16.18 hrs. The time within which the nomination papers were to be filed was 3 p.m. on 15th June, 2023.

The petitioner submits that the candidate has been declared elected uncontested.

The primary contention of the petitioner is that the concerned Returning Officer ought not to have accepted

the nomination paper of the private respondent as the same was not backed by any Caste Certificate. The candidature of the petitioner has been rejected on the ground that she could not produce the Caste Certificate at the time of filing the nomination.

Prayer has been made for cancelling the nomination of the private respondent.

The respondents oppose the prayer of the petitioner.

Upon hearing the submissions made on behalf of all the parties, it appears that the ground for filing the present writ petition may be a ground for filing an election petition. At this stage, there is no scope to entertain the prayer of the petitioner. Keeping the writ petition pending will also not serve any purpose.

In view of the above, the instant writ petition is disposed of.

It will be open for the petitioner to apply before the appropriate forum in accordance with law for redressal of her grievance, if so advised.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Amrita Sinha, J.)