

Supp 3
Ct No24
AGM

30.06
2023

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

WPA 15411 of 2023

**Rasnehar Bibi
Vs
The West Bengal State Election Commission &
Ors.**

**Mr. Protip Kumar Chatterjee
... for the Petitioner.**

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

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

The petitioner is a contesting candidate of the Panchayat General Elections, 2023 in respect of the constituency Kharjuna-IV-5. She submitted her nomination as a candidate of the Indian National Congress. She also submitted her Form B for allotment of the symbol in respect of the Indian National Congress.

The particulars that are uploaded in the GEMS portal mention that the petitioner submitted nomination as a general category candidate of the Indian National Congress political party.

The petitioner alleges that instead of the symbol of the Indian National Congress, the symbol of an

independent candidate has been allotted in her favour.

It has been submitted that as many as seven number of Form B were submitted in respect of the said Gram Panchayat. There is no other candidate in whose favour the symbol of the Indian National Congress has been allotted.

The petitioner prays for allotment of the symbol of the Indian National Congress political party in her favour.

Learned advocate representing the State Election Commission submits, upon instructions that, the petitioner was not sure about the political party from which she will be contesting.

The petitioner struck of the name of the political party and the symbol of the political party Indian National Congress and thereafter she chose her own symbol.

As it appears from the GEMS portal that the petitioner was accepted as a candidate of the Indian National Congress, accordingly, the authority ought to treat the petitioner as a candidate of the Indian National Congress and ought to allot the symbol in her favour as is mentioned in Form B.

The State Election Commission is, accordingly, directed to take a decision with regard to the prayer

of the petitioner for allotment of the symbol of the Indian National Congress.

A decision shall be arrived at the earliest but positively by 4th of July, 2023.

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.)