

Item No.08

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

04.07.2023
Ct-24
AGM

WPA 15465 of 2023

Sanatan Halder
v.
The State of West Bengal & Ors.

Mr. Samim Ahammed
Ms. Saloni Bhattacharjee
Ms. Gulsanwara Pervin
... 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 allegation of the petitioner is that the Election Commission failed to abide by the counting guidelines laid down by the Commission for the three tier Panchayat Election.

According to the petitioner, the venue which has been selected as the counting centre is contrary to the guidelines laid down by the Commission.

Further allegation is that the persons who have been engaged for counting are all contractual employees of the Panchayat. The same is not in accordance with the guidelines of the Commission.

Reliance has been placed on the judgment passed by the Hon'ble PIL Bench of this Court on 13th June, 2023 in WPA (P) 286 of 2023 (Dipankar Rit –Vs- State of West Bengal & Ors).

An objection was filed before the State Election Commission on 12th June, 2023. The petitioner alleges that the same has not been taken up for consideration till date.

Learned advocate representing the Commission produces the written instruction signed on 2nd July, 2023 by the District Magistrate, Murshidabad.

It appears therefrom that the counting centre was selected on the basis of physical verification which was found to have better location than the earlier institution where counting was done.

Appointment letters have already been issued to all the polling personnel and at this stage it will be difficult for the District Administration to inform all polling personnel in such short period of time.

It appears from the submissions made on behalf of the parties and on perusal of the instruction forwarded by the respondent authority that the objection of the petitioner was duly considered and rejected by the Commission.

There is hardly any scope to enter into the validity of the same in the present writ petition.

In view of the above, no relief can be granted to the petitioner in this case.

The writ petition fails and is hereby dismissed.

Learned advocate for the Commission is directed to forward a copy of the instruction signed by the District Magistrate to the learned advocate for the petitioner.

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

(Amrita Sinha, J.)