

Item No. 6(SL-2)

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

03.07.2023
Ct-24

WPA 15622 of 2023
Deboprasad Naskar

v.

The State of West Bengal & Ors.

Mr. Samim Ahammed
Mr. Arka Maiti
Ms. Saloni Bhattacharya
Ms. Gulsanwara Pervin
... for the petitioner.

Mr. Santanu Mitra
Ms. Rama Halder
... 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 seeks for implementation of the direction in the order being No. 1802-SEC/6D-8/2008 dated May 27, 2022 issued by the West Bengal State Election Commission.

By the said order the State Election Commission, in exercise of the power conferred under Article 243K(1) of the Constitution of India, issued direction that every candidate at the time of filing his nomination paper seeking election to any of the three tiers of Panchayat shall furnish full and complete information in the prescribed format in the form of a declaration. The declaration shall be signed by the candidate before the Panchayat Returning Officer concerned or an Assistant

Panchayat Returning Officer who has been authorized to receive nominations.

The information so furnished by each candidate in the declaration shall be disseminated by the respective Panchayat Returning Officers by displaying a copy of the declaration on the notice board of the office of the Gram Panchayat concerned having jurisdiction over the constituency and by uploading a scanned copy of the said declaration in the website of the Commission and also by making copies thereof freely available to all other candidates.

Specific allegation of the petitioner is that the aforesaid direction to upload the declaration of a contesting candidate has not been implemented. Neither has the declaration been displayed in the notice board of the Gram Panchayat.

The petitioner is a contesting candidate of the Panchayat General Elections, 2023 and the petitioner submits that the voters of the constituency have a right to know the details of the prospective candidates and thereafter on an informed choice take a decision to cast vote in favour of a particular candidate.

It appears that the Panchayat General Elections is scheduled to be held on July 8, 2023. The process of nomination, scrutiny, withdrawal of nominations and publication of the list of the contesting candidates are over.

At this stage, only for the benefit of the voters, the State Election Commission ought to take steps to disseminate the information furnished in the declaration of the contesting candidates in the website of the Commission.

Steps shall be taken at the earliest so that the voters may take an informed decision in this regard.

In the event, anybody is aggrieved by any action or inaction on the part of the Commission, then it will be open for the aggrieved party to prefer election petition in accordance with law, if so advised.

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.

Sh

(Amrita Sinha, J.)