

03.05.2023
Court No. 19
Item 87
CP

WPA No. 18136 of 2022

Bimal Nayek
Vs.
The State of West Bengal & Ors.

Mr. Aritra Shankar Ray
... for the petitioner.

Mr. Lalit Mohan Mahata
Mr. Rudranil De
... for the State.

Despite service, none appears on behalf of the respondent no. 5.

The allegation of the petitioner does not survive. The petitioner has challenged the election of the respondent no. 5 as a member of the Debra-I/III Gram Panchayat. According to the petitioner, the post against which the respondent no. 5 was elected was reserved for scheduled caste. The petitioner also contested for such post and he lost the elections in 2018. Thereafter, the petitioner raised an objection with regard to the candidature of the respondent no. 5 on the ground that the said respondent had illegally procured the scheduled caste certificate, although he was actually an unreserved candidate.

Queries were made under the Right to Information Act and the petitioner was informed by the Sub-Divisional Officer, Kharagpur that the certificate was given to the respondent no. 5 on the

basis of an enquiry made by the Block Development Officer, Debra Block as per the orders of the Backward Classes and Welfare Department dated July 27, 2015.

The answer under the Right to Information Act reveals that the Sub-Divisional Officer found the caste certificate to be genuine. Thus, the challenge to the election of the respondent no. 5 as a scheduled caste candidate in the concerned gram panchayat does not survive in view of the fact that the caste certificate had been issued by the appropriate authority on the basis of an enquiry.

However, the contention of the petitioner that the enquiry was flawed and the respondent no. 5 was actually not a scheduled caste by birth, cannot be decided by this court or by the panchayat authorities.

The petitioner is at liberty to approach the Sub-Divisional Officer with his allegations.

If the petitioner approaches the authority, the authority will act and proceed in accordance with law upon granting any opportunity of hearing to all concerned.

The court has not gone into the merits of the claims of the petitioner.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis
of the server copy of this order.

(Shampa Sarkar, J.)