

Item No.06

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

13.09.2023
Ct-24
A.G.M.

WPA 21948 of 2023

Kabita Gorai & Ors.

v.

The State of West Bengal & Ors.

Mr. Koustav Bagchi
Mr. Debayan Ghosh
Ms. Priti Kar
... for the petitioner.

Ms. Sonal Sinha
Mr. Tarun Kumar Chatterjee
Mr. Sujit Gupta
Mr. Sayan Datta
Mr. Soumen Chatterjee
... for the State Election Commission.

Mr. Rahul Kumar Singh.
Mr. Suman Sengupta
... for the respondent no. 7 & 8.

Mr. Santanu Kumar Mitra
Mr. Amartya Pal
... for the State.

The petitioner alleges illegalities on the part of the respondents at the time of conducting election of Pradhan.

Specific allegation of the petitioner is that a police constable was permitted to cast vote by one of the private respondents. The same is impermissible.

The petitioner seeks for a direction for production of the CCTV footages at the time of election of the Pradhan.

Learned advocate representing the State respondents has obtained instruction from the Presiding Officer that one of the Gram Panchayat members, namely, Nunibala Rajak, respondent no. 8 herein opined that her hand was inactive for voting and, accordingly, she requested the Presiding Officer to permit her to take the aid of the lady police constable who was present there for maintaining law and order, to hold the pen so that she could not put the cross mark on the ballot paper.

The Presiding Officer permitted the said respondent to take the help of the lady police who was deployed there for maintaining law and order. The said Nunibala Rajak put the cross mark on the ballot paper in favour of Sushama Mahato by herself. The communicating letter of the said Nunibala Rajak dated 14th August, 2023 with her left thumb impression is annexed with the documents handed over by the learned advocate representing the State respondents in Court today.

It appears that the said Nunibala Rajak has mentioned that she voluntarily cast her vote in favour of Sushama Mahato.

From the submission made on behalf of the parties and upon perusal of the material on records, it appears that the said Nunibala Rajak though took the aid of the police woman who was deployed there, but the choice of the candidate was her own.

In view of the above, the allegation of the petitioner that there has been illegality at the time of election cannot be accepted by the Court. The person concerned had enough opportunity to accept the result.

The writ petition, accordingly, fails and is hereby dismissed.

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

(Amrita Sinha, J.)