

Court No. 2

**17.08.2023**

(JPD 3)

(S. Banerjee)

Calcutta High Court  
In the Circuit Bench at Jalpairuri  
Appellate Side

**W. P. No. 1871 of 2023**

**Roshni Urao @ Roshni Oroan  
Vs.  
The State of West Bengal & Ors.**

Mr. Swarup Das  
Mr. Satyajit Paul  
Ms. Sunayan Ghosh

... for the petitioner

Mr. Joyjit Choudhuri, Ld. AAG  
Mr. Subir Kumar Saha, Ld. AGP

... for the State

The Block Development Officer is present in person pursuant to the direction of this court.

The BDO is released. He need not appear in this matter further because this matter is being dismissed for the reason that from a document produced by the BDO it appears that one Smt. Jasmin Xalxo was declared as the winning candidate in Form 24 signed by one Mr. Palash Sarkar who was the Counting Officer. According to the Election Counting Manual he was the authorized person to sign the document but in the petition the document at page 32 has been signed by some other person who is not the Counting Officer. On the basis of this Form 24 at page 32 of the writ application, a doubt was raised in the mind

of the court as to the genuinity of the certificate. However, now I find that there is a dispute in this regard.

Page 35 (Annexure P-4) of the petition, which is one election result, shows one Roshni Urao as the winning candidate. Roshni Urao is the petitioner here. However, from the certificate as has been produced before me in Form 24, it is found that Jasmin Xalxo is the winning candidate. That certificate and other documents which have been produced today, are kept on record.

As the matter is dismissed, the petitioner can approach the appropriate court of law by way of an election petition if it is otherwise maintainable but, filing and pendency of this writ application will not give any advantage as to the condonation of delay to file the election petition.

Presence of the BDO is not required any further.

**(Abhijit Gangopadhyay, J.)**