

ML 264  
16.04.2024  
d.p.

**In The High Court At Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side**

**W.P.A 1322 of 2024**

**Md. Ataul Hoque  
-versus  
The State of West Bengal & Ors.**

**Mr. Golam Mustafa,  
Mr. Tarasankar Samanta,  
Mr. Samirul Sardar.  
...For the Petitioner.**

**Mr. Amal Kumar Sen, Ld. AGP,  
Ms. Ashima Das (Sil).  
...For the State.**

Affidavit-of-service filed in Court today is taken on record.

The petitioner submits that the private respondent no.7 has contested the Panchayat General Elections, 2023 from a reserved category seat without being a member of the reserved category.

An objection was raised before the District Magistrate which is alleged to be kept pending.

The petitioner in the writ petition has annexed the communication made by the Assistant Panchayat Returning Officer addressed to the SPIO and the Joint Block Development Officer furnishing information under the Right to Information Act, 2005 regarding nomination details of the private respondent.

In the said communication it is clearly mentioned that the contesting candidate, i.e., the private respondent submitted all relevant documents as per the check list including his OBC caste certificate during the nomination process as per Rule.

In view of the aforesaid information provided under the Right to Information Act, 2005, the Court is not satisfied with the submission made on behalf of the petitioner that the private respondent contested the election without a proper caste certificate.

Hence, no relief can be granted to the petitioner in the instant case.

The writ petition 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.)**