

Item No.4

06.02.2024
Ct-24

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 2776 of 2024
Amit Kumar Singh

v.

The State of West Bengal & Ors.

Mr. Srinjoy Das
Ms. Jui Jana
Mr. Saroj Banerjee
... for the petitioner.

Mr. Barnamoy Basak
... for the respondent no. 11.

Mr. Lalit Mohan Mahata, Ld. AGP.
Mr. Ziaul Haque
... for the State.

Mr. Ankit Sureka
Mr. Biplob Das
... for the respondent nos. 3 & 4.

The process of election in the RMS Co-operative Credit Society Ltd. was initiated in compliance of the order dated September 1, 2023 passed in WPA 14248 of 2023 (Indranil Tewary & Ors. v. State of West Bengal & Ors.). The tenure of the Board of the Society stood expired more than a decade back. Presently steps have been taken for conducting the election.

The petitioner points out that a final voters' list has been published by the Assistant Returning Officers but there are several errors which are apparent on the face of record. The persons who are dead and those who have retired from service also feature in the final voters' list. Examples of several such persons have been pointed out in Court.

It appears that the final voters' list is required to be checked and scrutinized further to remove all errors therefrom.

The schedule of the election mentions that the final voters' list was published on January 3, 2024 and the nomination forms were issued on and from February 1, 2024. Presently, the stage of submission of the nomination papers is continuing. If the errors in the final voters' list are not removed, then the result of the election may turn out to be incorrect.

In view of the above, the Assistant Returning Officers who are responsible for conducting the election of the Society are directed to take steps for rectification of the voters' list. The Returning Officers may take the help from the data base of the postal department to ascertain the members who are still in service. By this manner the names of the dead and the retired members can be deleted from the voters' list.

For conclusion of the election process, the time limit which was originally fixed by the Court on September 1, 2023 in WPA 14248 of 2023 stands extended for a further period of three months. The election shall possibly be concluded by June 30, 2024.

The members of the Society are directed to point out the errors in the voters' list, so that the Returning Officers may take steps for rectification of the same.

The DDOs of the postal department are directed to cooperate with the Assistant Returning Officers for transmitting data with regard to the postal employees for the purpose of preparation of a foolproof corrected voters' list.

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.

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(Amrita Sinha, J.)