

29.02.2024
Item No.11
gd/ssd

WPA(P)/62/2024
REZINA KHATUN
VS
STATE OF WEST BENGAL AND ORS.

Mr. Bikramaditya Ghosh,
Mr. Sudipta Nayan Ghosh
..for the Petitioners.

Ms. Sonal Sinha
..for the State Election Commission.

1. By way of this public interest litigation the petitioner alleges that the private respondent cannot hold the office of the Sabhadhipati of the Siliguri Mahakuma Parishad as he has suppressed the fact that he is a general category candidate and got elected to the concerned Parishad which is reserved for backward community candidate.

2. At this juncture the Election Commissioner is precluded from taking any action in the matter.

3. However, we find that a representation has been given by the petitioner to the 1st respondent on 18.12.2023 which is shown to have been delivered in the office of the 1st respondent on 20.12.2023.

4. Since the representation is yet to be considered, without going into the merits of the allegations made by the petitioner, there will be a direction to the 1st respondent to consider the representation after notice to the 5th respondent and

take a decision on merit and in accordance with law and communicate the same to the writ petitioner within a period of eight weeks from the date of receipt of the server copy of this order.

5. The petitioner is directed to enclose a copy of the representation along with the copy of this order and place the same in the office of the 1st respondent to facilitate compliance of the above direction.

6. This petition stands disposed of accordingly.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)