

08.04.2024
Sl. No.05.
Suman
Ct.No.238

WPA 9700 of 2024

Jayanta Das and Ors.
Vs.
Union of India and Ors.

Ms. Susmita Saha Dutta
Mr. Niladri Saha
Ms. Madhurima Basu
..for the petitioners

Mr. Anuran Samanta
..for respondent nos. 2 and 4

I take up this writ petition to decide on merit rejecting the objection raised by Mr. Samanta, learned advocate appearing for respondent nos. 2 and 4 relating to the determination of this Court. Since the petitioners are serving as Assistant Professors/Librarians in various higher educational institutions under the State and the impugned election duties have been assigned to them in relation to their service, I am of the view that I have the determination to take up the matter.

It is the grievance of the petitioners that they have been assigned election duties in violation of the notification dated February 16, 2010, issued by the Election Commission of India without the

specifications recorded in writing by the District Election Officer to justify their election duties.

Today, a notification dated March 22, 2024 issued by the District Magistrate and Collector, Hooghly has been produced before this Court.

Let a copy of the said notification be kept with the record.

I am of the view that the said notification provides sufficient reason for assigning election duty to the petitioners, in compliance of the notification dated February 16, 2010. Therefore, I do not find any substance in the allegations of the petitioners that there has been any violation to the notification dated February 16, 2010 in assigning election duties to the petitioners.

Ms. Susmita Saha Dutta, learned advocate appearing for the petitioners submits that the petitioners have been assigned election duties as Presiding Officer, which is not commensurate with their scale of pay. They should have been given the responsibility of Micro Observer keeping in mind the pay scale enjoyed by them.

Nothing specific has been pleaded in the writ petition.

Mr. Samanta, learned advocate has drawn my attention to paragraph 4 of the report filed today by

the District Magistrate, Hooghly to justify their duties as Presiding Officer.

I make it clear that the petitioners will be at liberty to make representation before respondent no.4 with regard to the nature of election duty assigned to them within four days from date and the same shall be considered by the said authority in accordance with law within ten days from the date of receiving the representation.

Accordingly, **WPA 9700 of 2024** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)