

09.05.2024
Item No.112
Ct. No.238
S.A.

WPA 13225 of 2024

The University of Burdwan
-vs-
The Election Commission of India & Ors.

Mr. Nilanjan Bhattacharjee
Mr. Arpan Guha
Mr. Saikat Dey
...for the petitioner
Mr. Anuran Samanta
...for the E.C.I.

It is the grievance of the petitioner that the relevant District Election Commission has requisitioned a huge number of staff of the university for election duty of Lok Sabha General Election, 2024 which has hindered the day-to-day functioning of the university.

Mr. Nilanjan Bhattacharjee, learned advocate appearing for the petitioner submits that out of a total 727 staff members, 514 employees of the university have been requisitioned. He submits that at least 84 staff members including the Registrar of the university, and one Senior Superintendent, Mr. Shyama Prosad Banerjee, who is also a Councillor of the local Municipality, should be exempted from the election duty.

Mr. Anuran Samanta, learned advocate appearing for the Election Commission of India, on the other hand, submits that the requisition was made on the basis of the data base provided by the

university. He further submits that there is still shortage of polling staff to conduct the Lok Sabha General Election, 2024.

I am of the view that the District Election Commission ought not to have requisitioned the staff members of the university ignoring their rank, position and pay scale. The Senior Superintendent of the university, who is a Councillor also, should not have been requisitioned. The smooth functioning of the university ought to have weighed in the mind of the District Election Officers.

To strike a balance, I dispose of this writ petition with a direction upon the District Election Officer that following staff will be relieved of the election duty.

- a) The teaching staff of the university holding the rank or enjoying pay scale of an Associate Professor and above;
- b) The Controller of Examination of the university;
- c) The Registrar of the university; and
- d) Mr. Shyama Prosad Banerjee, Senior Superintendent of the university.

Accordingly, **WPA 13225 of 2024** is disposed of.

(Kausik Chanda, J.)

